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J O U R N A L S

OF THE

HOUSE OF REPRESENTATIVES

OF THE

FIRST LEGISLATURE

OF THE

STATE OF TEXAS.

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THE LIBRARY
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J O U R N A L S

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THE HOUSE OF REPRESENTATIVES

OF THE

FIRST LEGISLATURE

OF THE

STATE OF TEXAS.

HOUSE OF REPRESENTATIVES, }
AUSTIN, Monday, February 16th, 1846. }

Pursuant to a Proclamation of his Excellency, the President of the Republic of Texas, the House of Representatives of the first Legislature, of the State of Texas, convened at the Capitol, in the city of Austin, on Monday, the 16th day of February, 1846; and was organized by the Hon. Ebenezer Allen, Secretary of State.

Mr. Jas. H. Raymond officiated as Chief Clerk, *pro tem*.

The roll of counties being called, alphabetically, the following members came forward, presented their credentials, took the oath prescribed by the Constitution of the State, and their seats.

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Austin County,	Hon. C. Railey and W. E. Crump.
Brazoria	" " S. W. Perkins and E. M. Pease.
Bastrop	" " E. Mabry.
Bexar	" " D. C. Ogden.
Bowie	" " B. H. Durham and A. J. Russell.
Colorado	" " W. B. Perry.
Fannin	" " S. McFarlane and H. W. Ryburn.
Fort Bend	" " W. S. Rayner.
Fayette	" " J. P. Hudson and C. Mullins.
Galveston	" " J. S. Savage and J. Cronican,
Goliad	" " A. Williams.
Gonzales	" " B. McCulloch and A. Swift.
Houston	" " W. T. Saddler and S. A. Miller.
Harris	" " B. F. Tankersly and P. M. Gray.
Harrison	" " E. Clark, S. Holland and J. McCown.
Jasper	" " Z. W. Eddy,
Jefferson	" " G. A. Pattillo.
Jackson	" " F. M. White.
Liberty	" " N. B. Charlton and E. T. Branch.
Montgomery	" " A. McNeil, C. B. Stewart, D. C. Dick- [son and C. G. Keenan.
Nacogdoches	" " John Brown, H. H. Edwards and D. [Muckleroy.
Rusk	" " F. McClarty and J. Smith.
Robertson	" " G. W. Adams and W. R. Cooke.
Red River	" " B. Gooch, L. D. Barry and J. Gilliam.
San Augustine	" " H. W. Sublett and W. C. Edwards.
Shelby	" " J. Truit and W. T. Echols.
Sabine	" " J. M. Burroughs and J. S. Noble.
San Patricio	" " A. Stevenson.
Victoria	" " J. W. Rose.
Washington	" " Van R. Irion and L. G. Dupree.

A quorum present.

The election of Speaker, being next in order,

Mr. Gray nominated Wm. E. Crump,

Mr. Gilliam " E. T. Branch,

Mr. Durham " J. W. Rose.

There being no other nomination,

On motion of Mr. Clark, Messrs. McCulloch and Keenan were appointed Tellers.

The votes being counted, it appeared that,

Wm. E. Crump received 37 votes,

E. T. Branch " 8 "

J. W. Rose " 7 "

Mr. Crump, having received a majority of all the votes, was declared duly elected Speaker of the House of Representatives, and was conducted to the Chair by the Hon. S. W. Perkins and B. F. Tankersly.

The Speaker then arose, and addressed the House in a few chaste and appropriate remarks.

On motion of Mr. Clarke, the House then proceeded to the election of a Chief Clerk.

Mr. Clark nominated James H. Raymond.

There being no other nomination, Mr. Raymond was declared duly elected Chief Clerk of the House of Representatives.

On motion of Mr. Keenan, the House proceeded to elect an Assistant Clerk.

Mr. Keenan nominated Mr. Thos. C. Woodlief.

There being no other nomination, Mr. Woodlief was declared duly elected Assistant Clerk of the House of Representatives.

On motion of Mr. Brown, the House proceeded to the election of an Engrossing Clerk.

Mr. Brown nominated Mr. Ben. F. Hill.

There being no other nomination, Mr. Hill was declared duly elected Engrossing Clerk of the House of Representatives.

On motion of Mr. Barry, the House then proceeded to elect an Enrolling Clerk.

Mr. Barry nominated Mr. Logwood,

" Pattillo " " Munson,

" Stevenson " " Pitts,

" Brown " " Beatty.

The votes being counted, it appeared that,

Mr. Logwood received 7 votes.

" Munson " 23 "

" Pitts " 14 "

" Beatty " 8 "

No one having received a majority of the votes, the House proceeded to a second ballot.

The votes being counted, it appeared that,

Mr. Logwood received 3 votes.

" Munson " 24 "

" Pitts " 19 "

" Beatty " 7 "

No one having received a majority of the votes, the House proceeded to a 3rd ballot.

On motion of Mr. Barry, Mr. Logwood was withdrawn.

Mr. Munson now received 30 votes.

" Pitts	"	23	"
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Mr. Munson, having received a majority of all the votes, was declared duly elected Enrolling Clerk of the House of Representatives.

On motion of Mr. Brown, the House went into the election of a Sergeant-at-Arms.

Mr. Brown nominated Mr. Hardeman,

" Williams	"	" Highsmith,
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" Irion	"	" Conner,
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" Rose	"	" Sherman,
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" Truitt	"	" Woodall.
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After five ineffectual ballotings,

Mr. Hardeman received 34 votes.

" Highsmith	"	21	"
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Mr. Hardeman, having received a majority of all the votes, was declared duly elected Sergeant-at-Arms of the House of Representatives.

On motion of Mr. Brown, the House then proceeded to the election of a Door-keeper.

Mr. Brown nominated Mr. Rice,

" McNeil	"	" Cockburn,
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" Pattillo	"	" Thomas,
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" Swift	"	" Davis,
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" Perkins	"	" McKane.
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The votes being counted,

Mr. Rice received 6 votes.

" Cockburn	"	40	"
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" Thomas	"	2	"
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" Davis	"	2	"
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" McKane	"	3	"
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Mr. Cockburn, having received a majority of all the votes, was declared duly elected Door-keeper of the House of Representatives.

On motion of Mr. Branch, the House adjourned until tomorrow morning, 9 o'clock.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 17th 1846. }

The House met, pursuant to adjournment.

Present—Messrs Speaker, Adams, Barry, Branch, Brown, Burroughs, Charlton, Clark, Cooke, Cronican, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gilliam, Gooch, Holland, Hudson, Irion, Keenan, Mabry, McCarty, McCown, McCullough, McFarlane, McNeill, Miller, Muckleroy, Mullins, Noble, Ogden, Pattillo, Pease, Perkins, Railey, Rayner, Russell, Ryburn, Sadler, Savage, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Sublett, Tankely, Smith, White, and Williams. A quorum present.

The Journal of the preceding day was read and adopted.

On motion of Mr. Perkins, Messrs. Erath and Milican came forward, presented their credentials, took the oath prescribed by the Constitution, and their seats.

On motion of Mr. Stewart, the officers elect came forward and took the oath of office prescribed by the Constitution.

The following message was received from the Senate, through Mr. Hamilton P. Bee, Secretary.

SENATE CHAMBER, }
AUSTIN, February 16th, 1846. }

To the Honorable W. E. Crump,

Speaker of the House of Representatives:

SIR:—I have the honor to transmit a list of the officers elect of the Senate of the State of Texas, viz.:

Hon. Edward Burleson President *pro tem*.

Mr. Hamilton P. Bee Secretary.

“ A. W. Lockett Asst. “

“ N. C. Raymond Engraving and Enrolling Clerk.

“ J. H. Neilly Sergeant-at-arms.

“ Francis Hughes Door Keeper.

Your obedient Servant

[Signed]

EDWARD BURLESON

President of Senate.

Attest:

HAMILTON P. BEE

Secretary of Senate.

On motion of Mr. Perkins, the Chief Clerk was instructed to

inform the Senate that the House of Representatives had organized and were ready to proceed to business.

Mr. Stewart moved that the House now go into the election for Chaplain—motion lost.

Mr. Clark offered the following resolution

Resolved, That a committee be appointed to wait upon His Excellency the President of the Republic of Texas, and inform him of the organization of the House of Representatives, and its readiness to receive any communication he may have to make.

Mr. Branch offered the following as a substitute,

Resolved, That a committee of nine be appointed by the Speaker, to act jointly with such committee as may be appointed on the part of the Senate, to wait upon the President, and inform him of the organization of the two Houses of the Legislature, and their readiness to receive any communication he may have to make; which resolution, was on motion of Mr. Durham laid on the table.

On motion of Mr. Stewart, a committee was appointed to wait upon the Senate, and invite them into the Representative Hall, for the purpose of counting out the votes cast for Governor and Lieutenant Governor.

Messrs. Stewart, Gray, and Branch, were appointed said committee.

Mr. Mabry offered the following resolution—

Resolved, That all Editors and Publishers of newspapers be allowed access to the Journals of this House, for the purpose of copying the same for publication, and further that all reporters for papers, be allowed a seat within the bar of the House—which resolution was adopted.

Mr. Tankersly offered the following resolution

Resolved, That a committee be appointed to draft rules and regulations for the Government of the House of Representatives, of the Legislature of the State of Texas.

Resolved further, That the standing rules of the House of Representatives, of the Republic of Texas, be the rules for the government of our proceedings for the time being.

Resolutions adopted.

Messrs Tankersly, Clark, Brown, Erath, and Williams, were appointed said committee.

On motion of Mr. Erath, the Honorable Mr. Redgate came forward, presented his credentials, took the oath prescribed by the constitution, and his seat.

Messrs Parker, Wallace, and Phillips, a committee from the

Senate, appeared and informed the House, that the honorable Senate would meet them at $\frac{1}{2}$ past 10 o'clock, for the purpose of counting out the votes cast for Governor and Lieutenant Governor.

Mr. Branch offered the following resolution

Resolved, That the Speaker appoint the following standing committees.

Committee on the Judiciary.

- " " Public Lands.
- " " Militia.
- " " County Boundaries.
- " " Public Printing.
- " " Finance.
- " " Claims and Accounts.
- " " Enrolled Bills.
- " " Contingent Expenses.
- " " Internal Improvements.
- " " Privileges and Elections.
- " " Education.
- " " Engrossed Bills.

The honorable the Senate, appeared at the bar of the House, agreeably to their announcement—the President was invited to a seat on the right of the Speaker, and Senators to seats prepared for them.

The following communication from the honorable the Secretary of State, was taken up and read:

DEPARTMENT OF STATE, }
Austin, February 16th, 1846. }

Sir—Herewith I have the honor to transmit returns of election held in the several counties of the Republic, for Governor and Lieutenant Governor, received at this Department.

[Signed] EBENEZER ALLEN,
Secretary of State.

*To the Honorable Speaker of
the House of Representatives.*

On motion of Mr. Perkins the Speaker proceeded to announce the result of the election for Governor and Lieutenant Governor, in presence of a Joint Session of both Houses, which was as follows:

Counties.	Governor J. P. Henderson	Governor J B Miller	Scatter'g.	Lt. Governor Darnell	Lt. Governor Horton.	Scatter'g
Lamar	331	3	2	82	181	
Sabine	150	10		188	64	
Shelby	375	40		329	53	27
Harrison	747	1	8	392	210	
Victoria	66	40		8	77	3
San Patricio	111	10	26	7	118	1
Galveston	334	13	1	68	224	3
Bexar	452	5			204	63
Gonzales	274	17		17	222	
Red River	454	9		183	195	46
Travis	185	30		48	150	
Milam	152	52		109	77	
Matagorda	106	51	2	38	121	3
Jasper	201	18		111	98	
Robertson	276	54		202	65	27
Washington	202	201		127	226	
Trazoria	96	146		106	112	
Austin	99	87		76	51	
Fayette	271	28			285	
Fort Bend	23	121		126	11	
Liberty	301	152		222	177	
Montgomery	549	199		548	52	
Rusk	271	1	2	66	248	1
Nacogdoches	711		11	356	298	
Colorado	218	25		98	135	
Harris	318	236		307	229	
Bowie	299	110		89	215	9
San Augustine	256	11		158	101	
Goliad	25	3		23	5	
	7853	1673	52	4084	4204	183

Therefore, the Honorable J. Pinckney Henderson having received a majority of the votes, was declared duly and constitutionally elected Governor of the State of Texas, for the next ensuing two years.

And the Honorable N. H. Darnell having received a majority of the votes for Lieutenant Governor, was declared duly and constitutionally elected Lieutenant Governor of the State of Texas, for the next ensuing two years.

The Honorable the Senate having retired to their chamber, the House proceeded to business.

On motion of Mr. Erath, Messrs Bourland and Gillett from the county of Lamar, came forward, presented their credentials, took the oath prescribed by the constitution, and their seats.

On motion of Mr. Irion, Mr. Willie from the county of Washington, presented his credentials, was qualified and took his seat.

Mr. Brown offered the the following resolution—

Resolved, That a committee of nine be appointed, to act jointly with such committee as may be appointed by the Senate, to wait on the Governor and Lieutenant Governor elect, and inform them of their election, also to request at what time it may suit their convenience to take the oath of office, and be installed.

Resolution adopted.

Messrs Brown, McNeill, Gray, Railey, Irion, Perkins, Swift, Bourland, and Gilliam, were appointed said committee.

On motion, the resolution offered by Mr. Branch, to appoint a committee in conjunction with such committee as might be appointed by the Senate, to wait on His Excellency the President, was taken up, and on motion of Mr. Stewart, amended, by striking out "three" and inserting "nine."

Resolution adopted as amended.

On motion of Mr. Branch, the House adjourned to 3 o'clock, P. M.

3 O'CLOCK, P. M.

The House met, the roll was called—a quorum present.

On motion of Mr. Gray, Mr. Smith of Harris came forward, presented his credentials, was qualified, and took his seat.

On motion of Mr. Dickson, the House went into an election for Chaplain.

Mr. Stewart nominated Mr. Morrell.

" Dupree nominated Mr. Thomas.

There being no other nominations, on motion Messrs Gray, Stewart, and Stevenson, were appointed Tellers.

The House then proceeded to vote by ballot.

After counting out the votes, the result was, Mr. Morrell received 28 votes and Mr. Thomas received 24 votes.

Whereupon Mr. Morrill was declared duly elected Chaplain of the House of Representatives.

Mr. McCown offered the following resolution:

Resolved, That a committee of five be appointed on the part

of the House, and that the Senate be requested to appoint a like committee, to act in conjunction, to wait upon His Excellency the President of the Republic of Texas, and Heads of Departments, and invite them to attend at the inauguration of the Governor and Lieutenant Governor elect, at such time as shall be fixed upon—which resolution was adopted.

Messrs McCown, Sublett, Pease, Smith of Harris, and Cronican were appointed said committee.

On motion of Mr. Durham, a committee of three was appointed to wait upon the officers of the United States Army, and invite them to attend the inauguration of the Governor and Lieutenant Governor.

Messrs Durham, Bourland, and Willie, were appointed said committee.

A message was received from the Senate, through their Secretary Mr. Bee, announcing the following committees.

Messrs Cuney, McKinney, and Robinson, to make arrangements for the inauguration of the Governor and Lieutenant Governor.

Also a committee consisting of Messrs Williamson, Hogg, and Bagby, to wait upon the President.

Also a committee consisting of Messrs Parker, Phillips, and Wallace, to wait upon the Governor and Lieutenant Governor elect.

The committee appointed to wait upon His Excellency the President, having returned, reported through their chairman Mr. Branch, that His Excellency has no communications to make to the Honorable the two Houses of the Legislature, but on the day of the inauguration he would deliver a valedictory address.

Mr. McNeill, from the committee appointed to wait on His Excellency the Governor elect, reported duty performed, and that His Excellency appointed Thursday the 19th inst. at 12 o'clock M. for his inauguration.

On motion of Mr. Branch, the House adjourned to Thursday 10 o'clock, A. M.

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HOUSE OF REPRESENTATIVES, }
City of Austin, Feb: 19. 1846 }

The House met, pursuant to adjournment.

The Roll was called, and a quorum present.

Prayer by the Chaplain.

The Journal of the 17^{inst} was read and adopted.

Mr. Dickson offered the following Resolution.

Be it resolved, That Copies of the Texas Democrat be contracted for, for the use of the House of Representatives during the continuance of its present session.

On motion of Mr. Branch, the Resolution was laid on the table.

Mr. Durham from the Committee appointed to wait upon the officers of the United States army, reported duty performed.

Mr. Branch offered the following Resolution.

Resolved, That the Speaker appoint the following additional Standing Committees.

Committee on the Land Office.

“ “ Public Buildings.

Mr. Stewart moved to amend by adding the Committee on Indian affairs.

“ “ State affairs.

And “ “ Federal Relations, which amendment was rejected.

Question on the adoption of the original Resolution was taken and carried.

The Secretary of the Senate, Mr. Bee, announced the following Resolution as having passed the Senate.

Resolved, the House consenting that the two Houses of the Legislature convene in the Representative Hall on Saturday next at 11 o'clock A. M. and proceed to the election of two Senators to the United States Congress.

Mr. Perkins offered the following Resolutions.

Resolved, That a committee be appointed to act with a like committee on the part of the Senate, to invite Gen. M. B. Lamar, Ex President of the Republic of Texas, to attend the inauguration of the Governor of the State of Texas.

Adopted.

Whereupon the Speaker appointed Messrs. Perkins, Tankersly, and Brown, said committee.

Mr. Branch, moved to reconsider the vote taken on a former day, electing a chaplain.

Mr. Durham moved to lay the motion to reconsider, on the table.—Lost.

The question recurring on the motion to reconsider, being in order, was put and carried.

The question: shall the House now go into an election for chaplain.

Mr. Clark moved to lay the question on the table.

The yeas and nays being called, thereon, stood:

Yeas. Messrs Adams, Burroughs, Charlton, Clark, Cronican, Edwards of Nacogdoches, Erath, Hudson, Mabry, McCarty, McCulloch, Miller, Muckelroy, Patillo, Perry, Rayner, Rose, Sadler, Savage, Smith, of Rusk, Sublett and White.—22.

Nays. Messrs. Speaker, Barry, Branch, Bourland, Brown, Dickson, Dupree, Echols, Edwards of San Austine, Gray, Gillett, Gilliam, Gooch, Holland, Irion, Keenan, McCown, McFarlane, McNeill, Milican, Mullens, Noble, Pease, Perkins, Railey, Redgate, Russell, Ryburn, Stevenson, Stewart, Smith of H., Swift, Tankersly, Pruitt, Williams and Willie: 36..

So the motion to lay on the table was lost.

On motion of Mr. Tankersley, the question was laid on the table until 10 o'clock to-morrow.

Mr. McCown offered the following Resolution.

Resolved, That a committee of three be appointed, to invite the Grand Master and other officers of the Grand Lodge of the Republic of Texas, to attend the inauguration of the Governor elect, to-day at 12 o'clock.

Resolution rejected.

On motion of Mr. Tankersly, the House took a recess until half past 11 o'clock.

Half past 11 o'clock A. M.

The Hon: the Senate and House of Representatives; assembled at the place prepared for the inauguration, in accordance with a resolution previously adopted, for the purpose of receiving the valedictory address of his Excellency, the President of the Republic, and inaugurating his Excellency the Governor of the State of Texas.

The committee arrived, and the President, Governor elect, and Heads of Departments, were announced.

The roll of each House having been called, and a quorum present.

The Hon. R. E. B. Baylor delivered an appropriate prayer. After which his Excellency, Anson Jones, President of

the Republic of Texas, arose and addressed the two Houses in the following words.

Gentlemen of the Senate,

And of the House of Representatives.

The great measure of annexation, so earnestly desired by the people of Texas, is happily consummated. The present occasion so full of interest to us, and to all the people of this country, is an earnest of that consummation; and I am happy to greet you as their chosen representatives, and tender to you my cordial congratulations on an event the most extraordinary in the annals of the world, and one which marks a bright triumph in the history of republican institutions. A government is changed both in its officers and in its organic law—not by violence and disorder, but by the deliberate and free consent of its citizens; and amid the most perfect and universal peace and tranquility, the sovereignty of the nation is surrendered and incorporated with that of another.

There is no precedent for this, and hence-forward “annexation” is a word of new import in the political vocabulary of America, to form a subject for the speculations of the statesman, and the intellectual labors of the sage.—Nations have generally extended their dominion by conquest; their march to power involving blood-shed and ruin, and their attainment of it often followed by suffering and calamity to a despairing and subjugated people. It was left for the Anglo American inhabitants of the Western Continent, to furnish a new mode of enlarging the bounds of empire, by the more natural tendency and operation of the principles of their free Government: whatever objections may have been urged heretofore to the territorial enlargement of the Union, those objections may now be regarded as overruled and as being without practical effect: annexation is the natural consequence resulting from congenial impulses and sympathies, and the operation and influence of like sympathies and impulses is destined, as soon as can be important or necessary, to settle all conflicts in relation to the claim of the United States to any territory now in dispute on this continent.

In accordance with the provisions of the new Constitution, adopted in the Convention called by me on the 4th of July last, a State Government is now fully and perfectly organized, and I, as President of the Republic, with my officers, are now present to surrender into the hands of those whom the people have chosen, the power and authority which we have some time

held—This surrender is made with the most perfect cheerfulness, and in respectful submission to the public will. For my individual part, I beg leave further to add, that the only motive which has heretofore actuated me in consenting to hold high and responsible office in this my adopted and beloved country, has been to aid by the best exertions of such abilities as I possessed, in extricating her from her difficulties, and to place her in some safe and secure condition, where she might be relieved from the long pressure of the past, and repose from the toils, the sufferings and threatened dangers which have surrounded her: I have considered annexation on favorable terms, as the most secure and advantageous measure for Texas, and as affording the best prospect for the attainment of the object I had in view, and have accordingly, in different capacities, labored most assiduously to open the door in the United States, to its accomplishment—In this I succeeded—I sincerely wish the terms could have been made more advantageous, more definite, and less fraught with subjects of future dispute; but as they proved entirely acceptable to a vast majority of my fellow citizens, I felt it to be my imperative duty, so soon as that fact was known, faithfully and promptly to carry into full effect the will and the wishes of the people.—This I have done; and in the execution of this work, I am happy to add, I have received the cordial support and co-operation of every member of my Cabinet, and of every officer of the Government at home and abroad, whose services I have had occasion to employ in connection with it. Annexation has met with no impediment in Texas, nor has any been attempted by the Government, and I believe I am justifiable in saying that it has been accomplished in the very safest and best manner practicable, and at the very earliest possible period of time—I know of no course which could have been adopted, which would have effected this object one single day earlier. In the mean time I have obtained from Mexico a formal acknowledgement of our National Independence, thereby removing the principal objection to the measure on the part of the United States.

Satisfied that the happiness and welfare of Texas are placed on a strong and secure foundation, and that she will now find many friends better qualified than myself, who will take care of her interests, the motive to which I have alluded as having actuated me in holding office, is no longer operative; and in retiring now to private life, I but indulge my individual wishes, and I lay down the honors and the cares of the Presidency with infinitely more of personal gratification, than

I assumed them. The confidence and the favors which the partiality of my fellow-citizens has bestowed upon me, merit and receive my gratitude and my heartfelt thanks. Whatever injustice may have been done me in moments of excitement, I indulge the belief that when correct information is disseminated in regard to my whole course, the public mind will settle down into proper conclusions, and that my fellow-citizens will judge me rightly then. At least I have the approbation of my own conscience, a reward in itself above all price, and repose upon the assured belief that history and posterity will do me no wrong.

I am happy to congratulate you gentlemen, upon the universally prosperous condition of our country at the present time. Our foreign relations, have been closed in a manner satisfactory, I believe, to all the Governments with which we have had intercourse. The frontier is quiet and secure, and the husbandman sows and reaps his field in peace. Industry and enterprise have received new guaranties and a new impulse—a market is found at home for nearly every thing our citizens have to dispose of, and a large and very desirable immigration to the country is now taking place.—The expenses of the Government since I have been in office have been paid in an undepreciated currency—a very considerable amount of debt incurred by previous administrations has been paid off, and a surplus of available means sufficient to defray the expenses of the Government economically administered, for the next two years at least, is left at the disposition of the State—and I venture the belief, that without resort to taxation, the public domain if properly husbanded and disposed of, will raise a fund sufficient to liquidate the entire national debt upon equitable principles, besides providing for the future support of the State Government, and a system of common schools, and other institutions for the intellectual, moral and religious improvement of the rising generation.

With such a population as Texas possesses, characterized as it is with great intelligence and enterprise, and with such elements of prosperity as she now possesses, a genial climate and a fertile soil, it will be her own fault if she does not reach an importance, and a social elevation, not surpassed by any community on earth.

Detailed reports from all the different Departments and Bureaux, showing the transactions of the Government since the last annual Meeting of Congress, are made out, and will be handed to his Excellency the Governor, for transmission in

due time to your honorable bodies. The information which these contain, will show the manner in which the public affairs have been conducted since I came into office, and constitute in part the necessary data, upon which to predicate your future action. It does not come within the province of my appropriate duty to make any suggestions or recommend any measures for your consideration. This task now belongs to another, and will, I am well satisfied, be discharged with zeal, faithfulness and ability—I may however express the fervent hope which I have, that your important deliberations commenced under such favorable auspices, may result in the promotion of the permanent welfare of the State of Texas, and your labors may be crowned with abundant blessings.

The lone Star of Texas, which ten years since arose amid clouds, over fields of carnage, and obscurely shown for a while, has culminated, and following an inscrutable destiny, has passed on and become fixed forever in that glorious constellation which all freemen and lovers of freedom in the world, must reverence and adore—the American Union.—Blending its rays with its sister stars, long may it continue to shine, and may gracious Heaven smile upon this consummation of the wishes of the two Republics, now joined together in one. May the Union be perpetual, and may it be the means of conferring benefits and blessings upon the people of all the States, is my ardent prayer.

The final act in this great drama is now performed: The Republic of Texas is no more.

His Excellency, J Pinckney Henderson, Governor of the State of Texas, arose, took the oath of office prescribed by the Constitution, and addressed the two Houses of the Legislature as follows.

Gentlemen of the Senate,

and House of Representatives,

This day, and within this very hour, has been consummated the great work of annexation. This consummation, it seems to me, should be a full compensation to our citizens for all their toils and sufferings, endured for ten long years—Our hearts should be full of gratitude to the giver of all good, for the many favors he has bestowed upon us at all times, and under all circumstances. In the beginning of our revolution, when the frowns of the world were upon us, his protecting arm shielded us from danger, and now, at its close, when we have so happily completed our labors and attracted the atten-

tion of the principal nations of the earth, he is still with us. Who can look back upon our history, and not be fully and deeply impressed with the consideration that the arm of deity has shielded our nation, and his justice and wisdom guided us in our path? It is therefore our duty, in deep humility, to make our acknowledgements for his many favors. It is with a deep sense of the responsibility which I have incurred that I now enter upon the duties of the station which my fellow-citizens have called me to fill. This station, and this responsibility, my own disposition did not lead me to seek, and I can only hope to be able to discharge the duties which have thus devolved upon me in a manner satisfactory to the country, by the aid of the Representatives of the people, who will I feel assured, act with wisdom and harmony. If there has heretofore existed any cause of dispute, or difference between the different sections of our country, in regard to the policy, most proper to be pursued, surely there is now no cause for disunion, since we have the protecting arm of the United States, thrown around us, and can repose quietly under her broad banner. Let us then, I beseech you, commence our existence as a state of this great union in the spirit of harmony and forbearance, and act our parts throughout as becomes the agents of a free enlightened christian people.

By our Constitution which has been freely and fully approved by the almost unanimous voice of the people, more power and patronage are given to the Executive than is given by most of the other States of the Union to their Executives; and the merits of the system which we have adopted will greatly depend upon the prudence, impartiality, and wisdom with which the Executive exercises those powers conferred upon him by our Constitution. As far as my actions are concerned, I can only promise that I will endeavor to act cautiously, and impartially, guided by whatever judgment I may be able to command, having in view only the public good. Regarding a good Judiciary as one of the main stays of our Constitutional Liberties, it is my anxious wish to see that Department of our Government placed upon the best possible footing. Judges who are possessed of violent political party prejudices, are dangerous to any State. In exercising the veto power conferred upon me by the Constitution, I shall feel constrained, as a general rule, to confine it to arresting the passage of unconstitutional laws, and such laws as are calculated, in my opinion, to impair public confidence, and embarrass the revenue of the State.

This is not a proper time for me to advert, to measures

which it may seem to me should be acted upon by the Legislature—that I will do in a short time, in making to you the communication required of me by the Constitution.

We have this day fully entered the Union of the North American States—let us give our friends who so boldly and nobly advocated our cause, and the friends of American Liberty, no reason to regret their efforts in our behalf. Hence forth, the prosperity of our Sister States will be our prosperity—their happiness our happiness—their quarrels will be our quarrels, and in their wars we will freely participate.

The Ceremony being closed by a blessing invoked by the Hon. R. E. B. Baylor, the House retired to the Hall and on motion adjourned until to-morrow 2 o'clock p. m.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 20th, 1846 }

The House met, pursuant to adjournment.

The roll was called, a quorum present.

The Journal of the preceeding day was read and adopted.

Mr. Miller offered the following resolution:

Resolved, That the Senate be, and they are hereby invited to assemble within the Representative Hall, on the 21st instant, at eleven o'clock, A. M., for the purpose of going into the election of Senators to represent the State of Texas in the Congress of the United States.

Mr. Tankersly moved that the resolution lie on the table.

Question on laying the Resolution on the table, was taken and carried.

A message was received from the Senate, through their Secretary, Mr. Bee, informing the House that the Senate had passed a resolution to go into an election for Public Printer on to-morrow, at three o'clock, p. m.

Mr. Tankersly, chairman of the committee to draft Rules and Regulations for the governance of the House of Representatives, reported in accordance with the duty assigned them, which report was laid upon the table for the present.

Mr. Tankersly introduced a joint resolution requiring His Excellency the Governor, to appoint an agent, forthwith to

carry into effect the second clause of the second section of the Joint Resolution of the Congress of the United States, entitled a Joint Resolution for the annexing Texas to the United States. Read first time.

Mr. Rose offered the following resolution :

Resolved, That the Senate be invited to meet the House of Representatives at three o'clock P. M. on Saturday, for the purpose of electing by joint ballot, a State Treasurer and Comptroller of Public Accounts, as directed by the Constitution.

Laid on the table one day for consideration.

Mr. Branch moved to take up the resolution from the Senate for the purpose of going into the election for Senators to the United States Congress. Motion carried.

Mr. Tankersly moved to lay the resolution on the table.—Lost.

And Resolution agreed to.

Mr. Sublett introduced a bill to be entitled an act to district the State of Texas into Congressional Districts. Read a first time.

Mr. Brown moved to take up the report of the committee to draft Rules and Regulations for the governance of the House. Motion carried and the Rules as reported, were read.

On motion of Mr. Bourland, the 9th rule was amended by inserting after ballot, "or when the ayes and noes shall be taken," also the 57th rule so as to read, "it shall be in order throughout the session, for the House to resolve itself into a committee of the whole, &c., &c."

The Rules as amended were then adopted, and ;

On motion of Mr. Brown, 150 copies were ordered to be printed.

Mr. Miller introduced a bill to provide for the election of Representatives to the United States Congress. Read a first time.

On motion of Mr. Rose, the resolution of the Senate to go into the election for Public Printer on to-morrow, was taken up.

Mr. Durham moved to lay the resolution on the table until Tuesday the twenty-fourth instant.

Lost, and house refused to concur in the resolution.

On motion of Mr. Dickson, the resolution proposing to subscribe for — copies of the Texas Democrat, was taken up.

Mr. Tankersly moved to fill the blank with 75. Lost.

" Rose moved to fill the blank with 500. Lost.

" Smith of H. moved to fill the blank with 300. Lost.

Mr. Truitt moved to fill the blank with 600. Lost.

" Durham moved to fill the blank with 210. Lost.

" Williams moved to fill the blank with 250. Lost.

On motion of Mr. Branch, the resolution was laid on the table.

The Speaker announced the following standing committees:

COMMITTEE ON FINANCE.

Messrs. Tankersly, Stewart, Rose, Rayner, Parker, Pease and Williams.

COMMITTEE ON THE JUDICIARY.

Messrs. Gray, Branch, Sublett, Willie, Pease, Clark, Tankersly, Russell, McClarty and Gillett.

COMMITTEE ON PUBLIC LANDS.

Messrs. Pease, Holland, Smith of Rusk, Echols, McNeill, Erath and Mullens.

COMMITTEE ON THE LAND OFFICE.

Messrs. Rose, Irion, White, Pattillo, Charlton, Ryburn, McCown, Bourland and Brown.

COMMITTEE ON CLAIMS AND ACCOUNTS.

Messrs. Mabry, Truitt, Saddler, Adams, Charlton and Swift.

COMMITTEE ON EDUCATION.

Messrs. Keenan, Edwards of San Augustine, Smith of Harris, Dupree, Railey, McClarty and Gilliam.

COMMITTEE ON PRIVILEGES AND ELECTIONS.

Messrs. Brown, Williams, Stewart, Ogden, Irion and Truitt.

COMMITTEE ON INTERNAL IMPROVEMENTS.

Messrs. Clark, Mabry, Muckleroy, Pattillo, McCown, Perry and Cooke.

COMMITTEE ON COUNTY BOUNDARIES.

Messrs. Irion, Gooch, Edwards of Nacogdoches, Erath, Smith of Rusk, Ryburn, Holland, Keenan, Charlton, White, Swift, Berry, Milican, Adams, Clark and McFarland.

COMMITTEE ON CONTINGENT EXPENSES.

Messrs. Rose, White, Stewart, Eddy, Cronican, Durham and Stevenson.

COMMITTEE ON PUBLIC PRINTING.

Messrs. Stewart, Hudson and Smith of Harris.

COMMITTEE ON THE MILITIA.

Messrs. McCulloch, Dupree, Smith of Rusk, Stevenson, Ogden, Williams, and Erath.

COMMITTEE ON PUBLIC BUILDINGS.

Messrs. Savage, Noble, Dupree and Perry.

COMMITTEE ON ENROLLED BILLS.

Messrs. Burroughs, Pattillo and Gillett.

On motion of Mr. Perkins, the resolution to go into the election for State Treasurer and Comptroller, was taken up and amended by striking out "Saturday three o'clock" and inserting Tuesday ten o'clock.

On motion of Mr. Bourland, the House adjourned until tomorrow morning nine o'clock.

HOUSE OF REPRESENTATIVES.

Austin, February 21. 1846. }

The House met pursuant to adjournment.

The roll was called—a quorum present.

The Journal of the preceding day was read and adopted:

Mr. Dickson presented the petition of Albert G. Haines of Washington County, contesting the seat of the Hon. L. G. Dupree, which was referred to the Committee on privileges and Elections.

Mr. McNeill from the Committee to wait upon the Lieutenant Governor elect, and ascertain at what time it would suit his convenience to meet the two Houses of the Legislature, and take the oath of Office, asked leave of absence for the performance of that duty.

Mr. McNeill returned; reported duty performed, and that the Lieut. Governor elect would meet the two Houses of the Legislature on Monday the 23d. inst, at 11 o'clock, and take the oath of Office prescribed by the Constitution.

On motion of Mr. Rayner, Mr. Russell was excused from the Committee on County Boundaries, and added to the Committee on Claims and Accounts.

Mr. Miller moved that Mr. Gray be added to the Committee on Privileges and Elections—motion lost.

Mr. Holland presented a petition from the Citizens of Harrison county, praying for a division of said County—which petition was referred to the Committee on County Boundaries.

Mr. Gray presented a petition from the citizens of Harris and Montgomery counties, praying for the establishment of a new county.

On motion, referred to the committee on County Boundaries.

Mr. Sadler presented a petition from the citizens of Houston County, praying for the creation of a new county.

On motion, referred to the committee on County Boundaries.

On motion of Mr. Tankersly, Mr. Russell was added to the Judiciary Committee.

Mr. Ryburn presented a petition from the citizens of Fannin County, praying for a division of the same.

On motion, referred to the committee on County Boundaries.

Mr. Durham presented a petition from the citizens of Bowie County, praying for the establishment of a new county.

On motion, referred to the committee on County Boundaries.

On motion of Mr. Rose, Mr. Durham was added to the committee on County Boundaries.

On motion of Mr. McCarty, Mr. Brown was added to the committee on County Boundaries.

On motion of Mr. Keenan, Mr. Bourland was added to the same committee.

ORDERS OF THE DAY.

A bill to be entitled an act to provide for the election of Representatives to the United States Congress, was read a second time.

And on motion of Mr. Miller, amended by inserting after "Secretary of State" in 4th section, who shall issue his certificate to the person having the highest number of votes.

Mr. Branch moved to lay the bill and amendment upon the table, until Monday eleven o'clock—carried.

Mr. Branch offered the following resolution:

Resolved, That the committee on Public Printing be instructed to act on the part of the House, to contract for the printing of the laws and Journal of the present session, and for the contingent printing of the two Houses; also for two hundred and fifty copies of each Newspaper printed in the City of Austin.

On motion of Mr. McNeill, the resolution was amended by striking out "two" and inserting "three."

On motion of Mr. Bourland, it was further amended by adding "for the use of the House of Representatives."

A bill to be entitled, an act to carry into effect the 2nd clause of the 2nd section of the joint resolution of the Congress of the United States, for annexing Texas to the United States, was taken up and read a second time.

Mr. Rose moved to strike out all that portion relative to Post Offices and Roads.

On motion of Mr. Branch, the bill was referred to the committee on the judiciary.

A bill to be entitled an act to district the State of Texas into Congressional Districts—read a 2nd time.

Mr. Willie moved to amend the bill by striking out the preamble—lost.

Mr. Gray moved its reference to a select committee, to be appointed from the three sections of the Country, East, Middle and West—lost.

Mr. Bourland moved to lay it on the table until Monday eleven o'clock A. M.—carried.

Mr. Stevenson, by leave, introduced a bill to refund certain duties—read a first time.

A message was received from the Senate, informing the House of the appointment of a committee to enquire why the election returns for Governor and Lieut. Governor have not been made, and requesting the appointment of a like committee on the part of the House.

On motion of Mr. Rose, the Resolution from the Senate was taken up.

Mr. Branch moved to amend by adding the following words.

"Instructing said committee to report this evening at 3 o'clock."

Which amendment was agreed to—and Resolution adopted.

The Speaker appointed Messrs. Branch, Rose, and Perkins, said committee.

On motion of Mr. Perkins, that portion of 3rd rule of the Standing rules of the House, requiring the Speaker to rise when a motion is put to the House, was suspended.

Mr. Russell moved that the House take a recess until 11 o'clock—lost.

Mr. Perkins moved that the House take a recess until ten minutes before 11 o'clock—carried.

The recess having expired, the roll was called, and a quorum present.

The Hon. the Senate, was announced at the bar of the House, in accordance with a Resolution previously adopted by both Houses of the Legislature, for the purpose of going into an election for Senators to the Congress of the United States.

The President was invited to a seat on the right of the Speaker, and the Senators to seats prepared for them.

The roll having been called, Sam Houston and Thos. J. Rusk

were put in nomination, and the two Houses, in joint session, proceeded to vote, *viva voce*.

Those members of the House voting for Sam Houston, were Messrs. Speaker, Adams, Barry, Branch, Brown, Burroughs, Charlton, Clark, Cooke, Cronican, Dickson, Dupree, Durham Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gillett, Gooch, Holland, Irion, Keenan, McCown, McCulloch, McFarland, McNeill, Miller, Milican, Muckleroy, Noble, Ogden, Pattillo, Pease, Perry, Railey, Rayner, Russell, Ryburn, Sadler, Savage, Stevenson, Smith of Harris, Smith of Rusk, Sublett, Tankersly, Pruitt, White, and Willie.—50 votes.

Those voting for Thos. J. Rusk, were Messrs. Speaker Adams, Barry, Branch, Bourland, Brown, Burroughs, Charlton, Clark, Cooke, Dupree, Durham Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gillett, Gilliam, Gooch, Holland, Hudson, Keenan, Mabry, McCarty, McCown, McCulloch, McFarland, McNeill, Miller, Muckleroy, Mullen, Noble, Ogden, Pattillo, Perkins, Perry, Railey, Rayner, Rose, Russell, Ryburn, Sadler, Savage, Stevenson, Smith of Rusk, Swift, Sublett, Pruitt, Williams, and Willie—51 votes.

Mr. Gray voted for James B. Miller—1 vote.

Messrs. Mabry & Pease for H. G. Runnels—2 votes.

Mr. McCarty for Memucan Hunt—1 vote.

Messrs. Rose and White for James Love—2 votes.

The Senators voting for Sam Houston, as announced by their President, were, for Sam Houston 19 votes.

Thomas J. Rusk 19 "

James Love 2 "

RECAPITULATION.

Sam Houston received on joint ballot	69 votes.
Thomas, J. Rusk " "	70 "
James Love " "	4 "
Hiram G. Runnels " "	2 "
James B. Miller " "	1 "
Memucan Hunt " "	1 "

Sam. Houston and Thos. J. Rusk, having received a majority of all the votes cast, were declared by the Speaker of the House, duly and constitutionally elected Senators from the State of Texas to the Congress of the United States, for the next ensuing six years.

The Senate having retired to their Chamber:

On motion of Mr. Dupree, the house adjourned until 2 o'clock P. M.

TWO O'CLOCK P. M.

The House met, pursuant to adjournment.

The roll was called, and, a quorum being present.

The house proceeded to business.

A message was received from the Senate, informing the House of the appointment of a committee, on the part of the Senate, to draft rules for the Government of the two Houses, during the present session; and requesting the appointment of a like committee, on the part of the House.

The House was, also, informed, that the Senate had adopted a Resolution, authorizing the Governor to despatch, by Express, to Messrs. Houston and Rusk, Senators elect to the United States Congress Certificates of their election; and requesting the concurrence of the House, in the same.

On motion of Mr. Bourland, the Resolution was taken up, the rule suspended and the Resolution adopted.

Mr. Williams offered the following Resolution:—

Resolved, by the House of Representatives, That no person be permitted to smoke a pipe or cigar, during the hours of session, within the bar of the House.

Resolution laid upon the table, one day.

Mr. Branch, from the Special committee, appointed to ascertain, whether any returns of elections, for Governor and Lieutenant Governor, had been made to the State Department—other than those received by the House—reported a performance of the duty assigned said committee; which report, was accompanied with the following communication:—

DEPARTMENT OF STATE,
February, 21st 1846. }

*To the Honorable Speaker of
the House of Representatives.*

SIR: I have the pleasure of transmitting you, herewith, returns of Elections, from Fannin County; being addressed to the Secretary of State, they were filed with other communications to this Department, and the votes for Governor and Lieutenant Governor, contained therein, were overlooked until this morning.

Very respectfully,

Your obe't servant,

J. C. ELDRIDGE.

Chief Clerk.

[Signed]

On motion of Mr. Bourland, Mr. Russell was added to the Committee on Education.

Mr. Bourland, by leave, introduced a bill, to be entitled, "An act to establish and fix the Salaries, of the State Treasurer and Comptroller of Public Accounts."—Bill read a 1st time.

Mr. Perkins moved, that a committee, of three, be appointed, to inform the Senate, that further returns of Elections, for Governor, and Lieutenant Governor, had been received by the House.—motion lost.

On motion of Mr. McNeill, the House adjourned, until Monday morning, nine o'clock.

HOUSE OF REPRESENTATIVES. }
AUSTIN, Monday, February 23rd, 1846. }

The House met, pursuant to adjournment.

The roll was called and a quorum being present,

The House proceeded to business.

The Journal of Saturday, the 21st instant, was read and adopted.

Mr. Dickson presented a memorial from a portion of the citizens of Montgomery county, praying for the creation of a new county, to be called the county of Grimes.

Memorial read, and

On motion, referred to the committee on County Boundaries.

Mr. Keenan presented a memorial, from the citizens of Montgomery county, praying for the establishment of a new county.

Memorial read, and

On motion, referred to the committee on County Boundaries.

Mr. Brown presented a memorial from the citizens of Nacogdoches county, praying for the creation of a new county.

Memorial read, and

On motion, referred to the committee on County Boundaries.

On motion of Mr. Dupree, Mr. McClarty was added to the committee on the Judiciary.

On motion of Mr. Bourland, Mr. Gillett was added to the same committee.

Mr. Rose introduced the following preamble and resolution:

Whereas, The House of Representatives did, on the — day, of the present session of the Legislature of the State of Texas, in presence of both branches of the Legislature, proceed to open the returns of the elections, for Governor and Lieutenant Governor, and to count the votes and declare the names of the persons elected, to the offices of Governor and Lieutenant Governor, as directed by the Constitution; and

Whereas, The persons, so declared elected, were notified thereof, and the Governor elect, duly installed into his office; and

Whereas, It has, since, come to the knowledge of the two Houses of the Legislature, through the report of a joint committee, that the returns of the county of Fannin, were received at the Department of State, of the Republic of Texas, in due time, but overlooked in sending the returns to the Speaker of the House of Representatives, and therefore, not included in the final estimate of the votes; whereby great injustice is likely to be done Col. Horton, the person receiving the highest number of votes for Lieutenant Governor, and the known and declared will of the people be, thereby, defeated. Therefore,

Be it resolved, by the House of Representatives with the concurrence of the Senate, That the two Houses meet in the Representative Hall, on the — day of the present month, for the purpose of comparing and re-counting the returns of election for Lieutenant Governor, and to hear and decide a contest for the office of Lieutenant Governor, between the two candidates for said office.

Mr. Sublett moved, that the Preamble and resolution, be indefinitely postponed.

Mr. Bourland moved, that the preamble and resolution, be referred to the committee on Privileges and Elections.

Motion carried.

Mr. Ogden presented the petition of S. H. Walker, praying for relief.

Petition read, and

On motion, referred to the committee on Claims and Accounts.

Mr. Edwards, of Nacogdoches, offered the following resolution:

Resolved, That each and every member of this House, be allowed and furnished with one copy of all the acts and laws, passed by the former Republic of Texas; *Provided*, That they can be obtained from the State Department.

Resolution read and adopted.

On motion, the House proceeded to the

ORDERS OF THE DAY.

A bill to be entitled, an act, to fix the salaries of Treasurer and Comptroller, was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Finance.

A bill to be entitled, an act, requiring the refunding of certain duties, therein named, was taken up, and

Read a second time.

On motion of Mr. Miller, the bill was indefinitely postponed.

The resolution to prohibit smoking, &c., was taken up, and

Read a second time.

Mr. Dupree moved to amend the resolution, by inserting "and within the lobby."

Motion carried.

The resolution was then adopted.

The Resolution from the Senate, appointing a committee from that body, to draft rules for the governance of the two Houses, and requesting the appointment of a like committee, on the part of the House, was taken up, and

Read a second time.

On motion of Mr. Clark, the Chief Clerk of the House was instructed to inform the Senate, that the House had adopted rules for its own government.

Mr. Saddler, by leave, introduced a bill to be entitled, an act providing the mode of establishing county seats, for new counties.

Bill read a first time.

Mr. Swift, by leave, introduced a bill to be entitled, an act, to create a new county, out of part of the counties of Gonzales and Bexar, to be called the county of Guadalupe.

Bill read a first time.

A message was received from the Senate, informing the House of the passage of a bill to be entitled, an act, authorizing the Governor to cede certain property to the United States; and a bill to be entitled, an act, to transfer the affairs of the Republic of Texas, to the State of Texas, by that body.

The House was also informed, that the Senate had concurred in the resolution of the House, to go into the election of a State Treasurer and a Comptroller of Public Accounts.

Mr. Branch offered the following resolution:

Resolved, That the committee on Public Buildings, be instructed to enquire and report to this House, what repairs, if any are necessary to be made to the Public Buildings in the city of Austin, and what amount of money would, in their opinion, be required to make said repairs; and, also, whether or not, there are more Public Buildings than will be required for the use of the State—the propriety of disposing of said buildings, if any, and the amount that could, probably, be raised from the same.

Mr. Pease moved that the resolution be adopted.

Mr. Tankersly moved that the resolution be laid upon the table.

Motion carried.

On motion of Mr. Rose, the bill to be entitled, an act, districting the State into Congressional Districts, was taken up,

On its 2nd reading.

Mr. Keenan moved to refer the bill to a select committee.

On motion of Mr. Bourland, the House resolved itself into a committee of the Whole, for the purpose of acting on the foregoing bill.

MR. BROWN IN THE CHAIR

After some time spent therein, the committee of the Whole rose, reported progress, and asked leave to be discharged from a further consideration of the bill.

Mr. Pease offered a substitute for said bill.

Substitute read.

On motion of Mr. Pease, the substitute was referred to a select committee.

The Speaker appointed Messrs. Pease, McNeill, Cooke, Gray, Branch, Durham, Brown, Smith of Rusk, Rose, Williams, Redgate, White, Echols and Savage, to constitute said committee.

A message was received from the Senate, informing the House of the appointment of a committee, from that body, to enquire into the expediency of re-considering the returns of election for Lieutenant Governor, and requesting the appointment of a like committee on the part of the House.

On motion of Mr. Tankersly, the said resolution of the Senate, was taken up, and read.

On motion of Mr. Perkins, the resolution was concurred in by the House.

The Speaker appointed Messrs. Perkins, Stevenson and Russell, to constitute said committee.

Mr. Perkins introduced a bill to be entitled, an act to provide for a *viva voce* vote, in all elections.

Bill read a 1st time.

A bill to be entitled, an act, to provide for the election of Representatives to the United States Congress, was taken up,
On its 2nd reading.

On motion of Mr. Branch, the bill was referred to the committee on the Judiciary.

On motion of Mr. Burroughs, the bill from the Senate, to be entitled, an act, to cede and transfer certain property, therein named, was taken up, and

Read a 1st time.

On motion of Mr. Gray, the rule of the House, which requires bills to be read on three several days, was suspended, and the Bill read a second time.

On motion, the bill was then referred to the committee on the Judiciary.

A bill to be entitled, an act, to transfer the affairs of the Republic of Texas, to the State of Texas, was taken up, and

Passed to its second reading.

On motion of Mr. Clark, the House adjourned until half-past two o'clock, P. M.

HALF-PAST TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

The roll was called, and a quorum being present,

The House proceeded to business.

Mr. Miller, by leave, introduced a resolution, tendering to Ex-President Jones, a vote of thanks.

On motion of Mr. Gillett, the resolution was laid upon the table.

Mr. Miller, by leave, introduced the following resolution:

Resolved, That the committee on Finance be instructed to enquire into, and fix the compensation of all officers of the State of Texas, and of the counties thereof—excepting those, only, which have been fixed by the Constitution—and to report thereon, by bill.

Resolution read and adopted.

Mr. Miller also offered the following resolution:

Resolved, That the committee on Finance, be instructed to take into consideration, at the most early day practicable, the organization of the Treasury Department, and report thereon, by bill, or otherwise.

Resolution read and adopted.

Mr Branch offered the following resolution:

Resolved, That the Clerk of the House of Representatives, be instructed to have one hundred and fifty copies of the Rules of the House, and of the Joint Rules of the Senate and House of Representatives, printed for the use of the members.

Resolution read and adopted.

Mr. Gooch presented a memorial from the citizens of Red River county, praying for the establishment of a new county.

Memorial read.

On motion, the memorial was referred to the committee on County Boundaries.

Mr. Brown, from the committee on Privileges and Elections, asked leave for said committee to sit during the session of the House.

Leave granted.

Mr. Stewart, by request, was granted permission to spread the following upon the Journals of the House:

Mr. Speaker :

I would ask permission for an entry to be made upon the Journals of the House, shewing that I was not present at the election for Senators, from the State of Texas, to the Congress of the United States—being prevented therefrom by sickness—to express, that my vote for Senator, in said election, would have been given as the vote of the county of Montgomery, to General SAM HOUSTON.

Mr. Gray introduced a joint Resolution, defining the mode of procedure, to be pursued by the Legislature, in enacting laws.

Joint resolution read a first time.

On motion of Mr. McNeill, the House adjourned until tomorrow morning, nine o'clock.

HOUSE OF REPRESENTATIVES,

CITY OF AUSTIN, TUESDAY,

February 24th 1846.

The House met, pursuant to adjournment.

The roll was called, and, a quorum being present.

The House proceeded to business.

The Journal of the preceding day was read and adopted.

On motion of Mr. Brown, the member elected, from Matagorda County—the Honorable Henry Jones—came forward, presented his credentials, and took the oath, prescribed by the constitution, and his seat.

Mr. McFarland presented a memorial from the citizens of Fannin County—praying for the establishment of a new county.

Memorial read, and,

On motion, referred to the committee on County Boundaries.

Mr. McFarland also presented a petition, from Garrett Fitzgerald—praying for relief.

Mr. Miller moved, that the petition be referred to the committee on the Judiciary.

Motion lost.

On motion, the petition was referred to the committee on Public Lands.

Mr. McCulloch presented a petition from the citizens of Gonzales, Victoria, Jackson, Colorado and Fayette counties—praying for the establishment of a new county.

Petition read, and,

On motion, referred to the committee on County Boundaries.

Mr. McNeill presented a memorial, from the citizens of Montgomery county—praying for the creation of a new county, to be called the county of Montgomery.

Memorial read, and,

On motion, referred to the committee on County Boundaries.

Mr. Stewart presented a petition, from Matthew Cartwright—praying for relief.

Petition read, and,

On motion, referred to the committee on Public Lands.

Mr. Hudson presented a petition, from N. B. Mallon—praying for relief.

Petition read, and,

On motion, referred to the committee on Public Lands.

Mr. Hudson also presented a petition, from Theodore D. Maltby—praying for relief.

Petition read, and,

On motion, referred to the committee on Public Lands.

Mr. Russell presented a memorial, from the citizens of Harrison, Rusk, and Nacogdoches counties—praying for the creation of a new county.

Memorial read, and,

On motion, referred to the committee on County Boundaries.

Mr. Giam offered the following resolution—

Resolved, That the committee on County Boundaries, be instructed to withhold their reports, for the term of twenty days, on all bills, touching the counties of Lamar, Red River and Bowie, in order that "*full returns*" of petitions may be made.

Resolved, That the Senate be requested to concur in the foregoing resolution.

Resolution read, and,

On motion, laid upon the table; one day.

Mr. Gillett, by leave, introduced a bill, to be entitled, "An act, to extend the jurisdiction, of Justices of the Peace, over cases of assault and battery."

Bill read a 1st time.

Mr. Cooke, introduced a bill, to be entitled, "An act, to create the county of Limestone."

Bill read a 1st time.

Mr. Bourland introduced the following resolution—

Resolved, That the committee on County Boundaries, on the part of the House, request the like committee, on the part of the Senate, to act *jointly* on all petitions, bills &c., having for their object the organization of new counties—and so report.

Resolution read, and,

On motion, laid upon the table, for the present.

Mr. Charlton, by leave, introduced a bill, to be entitled, "An act, to establish the county of Tyler."

Bill read a 1st time.

Mr. McCulloch introduced a bill, to be entitled, "An act, to create the county of Ea Vacca."

Bill read a 1st time.

Mr. Barry introduced a bill, to be entitled, "An act, to create the county of ———."

Bill read a 1st time.

Mr. Stevenson introduced a bill, to be entitled, "An act, locating the county seat of San Patricio county, Corpus Christi; and for other purposes."

Bill read a 1st time.

Mr. Gooch introduced a bill, to be entitled, "An act, to divide the county of Bowie."

Bill read a 1st time.

Mr. Durham moved, that the bill be rejected.

Motion lost.

Mr. Gray, Chairman of the committee on the Judiciary, to whom was referred a bill, to be entitled, "An act, for the transfer of certain property, therein named, to the Government of the United States," reported thereon.

Mr. Miller moved, to strike out that clause relating to Custom Houses.

Motion lost.

On motion of Mr. Brown, the report was adopted.

Mr. Miller renewed his motion, to strike out, "as before."

The yeas and nays were called, on the adoption of the motion, and stood as follows:

Yeas. Messrs. Gillett, Gilliam, Miller and Willie—4.

Nays. Messrs. Speaker, Adams, Barry, Branch, Bourland, Burroughs, Charlton, Clark, Cooke, Cronican, Dupree, Dickson, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gooch, Holland, Irion, Jones, Keenan, Mabry, McClarty, McCown, McCulloch, McFarland, McNeill, Milican, Muckleroy, Mullens, Noble, Ogden, Pattillo, Pease, Perkins, Perry, Railey, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truit, White and Williams—57.

So the motion was rejected.

Mr. Miller then offered an amendment.

Amendment rejected.

Mr. Branch, moved, that the vote rejecting the amendment, just proposed by Mr. Miller, be reconsidered.

Motion carried.

On motion of Mr. Bourland, the report was laid upon the table, until three o'clock P. M.

On motion of Mr. Bourland, the House then took a recess of ten minutes.

The recess having expired, the House again proceeded to business.

Mr. Perkins moved, that a committee be appointed, to wait on the Senate and invite them within the Hall of the House of Representatives, for the purpose of going into an election, for a Treasurer, and a Comptroller of Public Accounts, of the State of Texas.

Motion carried.

The Speaker appointed Messrs. Rose, Perkins and Clark, to constitute said committee.

The committee repaired to the Senate chamber, and, in a few minutes, returned, and reported a performance of the duty assigned them.

The Honorable Senators appeared at the bar of the House, headed by their President.

The Honorable President of the Senate was invited to a seat, by the Speaker, and the Honorable Senators, to seats prepared for them.

The roll was then called, and a quorum found present.

The object of the joint session, being stated,

The two Houses then proceeded to the election of a State Treasurer, by joint ballot.

The Honorable the Senate, put in nomination for State Treasurer, Mr. James H. Raymond, and Moses Johnson, Esq.

Messrs. Rose, Branch and Gray, were appointed Tellers, on the part of the House.

On counting out the votes, it appeared that

Mr. James H. Raymond received 42 votes.

Moses Johnson, Esq., " 20 "

Blank, " 1 "

In the Senate, as announced by the President of that body,

Mr. James H. Raymond, received 11 votes.

Moses Johnson, Esq., " 9 "

" Greer, " 1 "

RECAPITULATION.

Mr. James H. Raymond, received 53 votes.

Moses Johnson, Esq., " 29 "

" Greer, " 1 "

Blank, " 1 "

Mr. James H. Raymond, having received a majority of all the votes, was declared by the Speaker, duly and Constitutionally elected Treasurer of the State of Texas, for the next ensuing two years.

The two Houses then proceeded to the election of a Comptroller of Public Accounts.

James B. Shaw, Esq., was put in nomination by the Senate.

There being no other nomination, the two Houses then proceeded to vote, by ballot.

Messrs. Brown, McNeill, and Durham, were appointed Tellers, on the part of the House.

On counting out the votes, it appeared that

James B. Shaw, Esq., received 60 votes.

John Smith, " 1 "

Blank, " 1 "

In the Senate, as announced by the President of that body:

James B. Shaw, Esq., received 21 votes.

RECAPITULATION.

James B. Shaw, Esq., received 81 votes.

John Smith, 1 “

Blank, 1 “

James B. Shaw, Esq., having received a majority of all the votes, was declared, by the Speaker, duly and constitutionally elected, Comptroller of Public Accounts, of the State of Texas, for the next ensuing two years.

Mr. Ben. F. Hill's resignation having been tendered, as Engrossing Clerk of the House of Representatives:

Mr. Hill was put in nomination, for the Chief Clerkship of the House of Representatives, to fill the vacancy occasioned by the resignation of Mr. James H. Raymond.

There being no other nomination, the Speaker declared Mr. Ben. F. Hill, duly elected Chief Clerk of the House of Representatives.

The House then proceeded to the election of an Engrossing Clerk, to fill the vacancy, occasioned by the resignation of Mr. Ben. F. Hill.

Mr. Durham nominated, Mr. John D. Pitts.

“ Ogden nominated Mr. Thomas Green.

Messrs. Perkins, Truit, and Keenan, were appointed Tellers.

On counting out the votes, it appeared that

Mr. John D. Pitts received 32 votes.

“ Thomas Green “ 30 “

Mr. Pitts, having received a majority of all the votes, was declared by the Speaker, duly elected, Engrossing Clerk of the House of Representatives.

On motion, the House then adjourned, until three o'clock, P. M.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and, a quorum being present,

The House proceeded to business.

Mr. Pease, chairman of a select committee, made the following report :

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives :

The Select committee, to whom was referred a bill, to be en-

titled, an act, to District the State of Texas, into Congressional Districts, and a substitute for said bill—and also, a bill to be entitled, an act, to provide for the election of Representatives, to the United States Congress—have had the same under consideration, and, a majority of the committee, have directed me to report the accompanying bill to the House, as a substitute for said bills, and to recommend its passage.

All of which, is respectfully submitted.

[Signed]

E. M. PEASE,

Chairman.

On motion, the substitute just reported by the committee, was taken up.

Mr. Branch moved to amend the substitute, by inserting "Galveston," in the first section.

Mr. Perkins moved, that a call of the House be made.

Motion carried.

The Sergeant-at-Arms, was despatched for absent members.

The roll was called, and a quorum found present.

On motion, the call of the House was suspended.

The yeas and nays were then called, on the adoption of Mr. Branch's amendment, and stood as follows:

Yeas. Messrs. Barry, Branch, Bourland, Burroughs, Charlton, Clark, Durham, Echols, Edwards, of San Augustine, Eddy, Gillett, Gilliam, Gooch, Holland, McCown, McFarland, Miller, Muckleroy, Mullens, Noble, Pattillo, Russell, Ryburn, Sadler, Smith of Rusk, Sublett, and Truitt—27.

Nays. Messrs. Speaker, Adams, Brown, Cooke, Cronican, Dickson, Dupree, Edwards of Nacogdoches, Erath, Gray, Hudson, Irion, Jones, Keenan, Mabry, McClarty, McCulloch, McNeill, Milican, Ogden, Pease, Perkins, Perry, Railey, Rayner, Redgate, Rose, Savage, Stevenson, Stewart, Smith, of Harris, Swift, Tankersly, White, Williams, and Willie—36.

Amendment rejected.

Mr. Bourland moved to amend the bill, by inserting, in the first section, the counties of Montgomery and Robertson.

The yeas and nays were called, on the adoption of the amendment, and stood thus:

Yeas. Messrs. Barry, Branch, Bourland, Clark, Durham, Echols, Eddy, Gillett, Gilliam, Gooch, Holland, Hudson, McCown, McFarland, Miller, Mullens, Noble, Pattillo, Perry, Redgate, Russell, Ryburn, Saddler, Smith of Rusk, Truit and White—27.

Nays. Messrs. Speaker, Adams, Brown, Burroughs, Cooke,

Cronican, Dickson, Dupree, Edwards of San Augustine, Edwards of Nacogdoches, Erath, Gray, Irion, Jones, Keenan, Mabry, McClarty, McCulloch, McNeill, Milican, Muckleroy, Ogden, Pease, Perkins, Rayner, Savage, Stewart, Smith of Harris, Sublett, Tankersly, Williams and Willie—32.

Amendment rejected.

Mr. Clark moved to amend the bill, by adding the county of Robertson, to the second section.

The yeas and nays were called, on the adoption of the amendment, and stood as follows:

Yeas. Messrs. Barry, Branch, Bourland, Burroughs, Charlton, Clark, Cronican, Durham, Echols, Edwards of San Augustine, Eddy, Gillett, Gilliam, Gooch, Holland, McClarty, McCown, McFarland, Miller, Mullens, Noble, Pattillo, Redgate, Russell, Ryburn, Sadler, Savage, Sublett, Truitt and White—30.

Nays. Messrs. Speaker, Adams, Brown, Cooke, Dickson, Dupree, Edwards of Nacogdoches, Erath, Gray, Hudson, Irion, Jones, Keenan, Mabry, McCulloch, McNeill, Milican, Muckleroy, Ogden, Pease, Perkins, Perry, Railey, Rayner, Rose, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Swift, Tankersly, Williams and Willie—33.

Amendment rejected.

Mr. Branch moved to amend the bill by adding to the first section, the counties of Galveston, Harris, Montgomery and Roberston.

The yeas and nays were called, on the adoption of the amendment, and stood thus:

Yeas. Messrs. Branch, Bourland, Clark, Durham, Echols, Edwards of San Augustine, Eddy, Gillett, Gilliam, Gooch, McClarty, McCown, McFarland, Miller, Pattillo, Perry, Redgate, Russell, Ryburn, Sadler, Truitt and White—23.

Nays. Messrs. Speaker, Adams, Barry, Brown, Burroughs, Charlton, Cooke, Cronican, Dickson, Dupree, Edwards of Nacogdoches, Erath, Holland, Irion, Jones, Keenan, McCulloch, McNeill, Milican, Muckleroy, Mullens, Noble, Perkins, Pease, Railey, Rayner, Rose, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Williams and Willie.—36.

Amendment rejected.

Mr. Clark moved, that the bill be laid upon the table.

Motion lost.

Mr. Russell moved, that the sense of the House, be now taken, on the previous question.

Motion carried.

Question. Shall the bill, now under consideration of the House, be engrossed?

The House decided in the affirmative, and

The bill was ordered to be engrossed.

A message was received from the Senate, informing the House of the passage of a bill, to be entitled, "An act, to provide for the election of Representatives to the United States' Congress," by that body.

A message was received, from His Excellency, the Governor, through the hands of his Private Secretary, S. Z. Hoyle.

On motion of Mr. Dickson, the message was taken up, and read.

Mr. Bourland moved, that 500 copies of the message and accompanying Documents, be ordered to be printed.

On motion of Mr. Rose, 1000 copies of the message and accompanying Documents, were ordered to be printed.

Mr. Swift introduced a bill, to be entitled, "An act, to create a new County to be called the County of De Witt."

Bill read a first time.

Mr. Perkins made the following report:

COMMITTEE ROOM }
Feb. 24th 1846. }

Honorable, W. E. Crump,

Speaker of the House of Representatives:

The committee, on the part of the House, whose duty it was, to act with a like committee, on the part of the Senate, to "enquire into the expediency of reconsidering the action of the two Houses, on declaring the election of Lieutenant Governor," beg leave to report.—That, upon examination, they are unable to find all the election returns, from the different counties; and, consequently, they are unable to come to any conclusion, until proper information can be received. They would, therefore, ask the indulgence of the House, until they can receive such information as may warrant a conclusion; at which time they will report.

[Signed]

S. W. PERKINS,
Chairman.

Report read and adopted.

On motion, the House adjourned, until to-morrow morning nine o'clock.

HOUSE OF REPRESENTATIVES, }
 City of Austin, Feb. 25th 1846 }

The House met, pursuant to adjournment.

The roll was called—a quorum present:

The Journal of the preceding day was read and adopted.

Mr. Gray presented the petition of J. Jenks Mahan praying for relief, which was referred to the committee on Public Lands.

Mr. Stewart presented a memorial from James Slayman, of Montgomery County, praying for relief; which was referred to committee on Finance.

Mr. Gray presented a memorial from the President and Secretary of the Texas Educational Society, which was referred to the committee on Education.

Mr. Eddy presented the petition of Joseph McGee, for land, which was referred to the committee on Public Lands.

On motion of Mr. Tankersly, the Speaker appointed a committee on Engrossed Bills, to wit., Messrs. Rose, Russell Bourland and Willie.

Mr. Erath, by leave, introduced a Bill creating the county of Burleson—read a first time.

On motion of Mr. Rayner, Mr. Dickson was added to the committee on Claims and Accounts.

On motion of Mr. McCown, Mr. Stewart was added to the committee on the Land-Office.

On motion of Mr. Brown, Mr. Dickson was added to the committee on the Land-Office.

Mr. McCulloch, offered the following Resolution, to wit:

Resolved, That the Standing Committee on the Militia, be instructed to act jointly with the Military committee on the part of the Senate, with instructions to examine the laws on the organization of the Militia, and report by bill or otherwise—adopted.

Mr. Adams introduced a bill, to be entitled an act to create the County of Navarro—read a first time,

Mr. Savage introduced a bill, to be entitled an act to make an appropriation for the payment of arrearages of Salary due Ashbel Smith—read a first time.

Mr. Cooke introduced a bill, to suppress the burning of woods at improper seasons.

Read a first time.

Mr. Branch introduced a bill, to be entitled an act to make

an appropriation for the payment of the arrearages of salary due George S. McIntosh.

Read a first time.

Mr. Cronican introduced a bill, together with a petition, for the incorporation of the Grand Lodge of the Independent Order of Odd Fellows of the State of Texas.

Read a first time.

Mr. Williams introduced a bill, to be entitled an act to prohibit private Banking.

Read a first time.

Mr. Tankersly moved a re-consideration of the vote taken on yesterday, on a bill to be entitled an act, Districting the State of Texas into Congressional Districts, on the amendment to insert "Robertson County" in the first section of the bill.

Motion to reconsider, lost.

ORDERS OF THE DAY.

On motion, the orders of the day were taken up.

The Senate's Bill to provide for the election of Representatives to the United States Congress; was read a first time.

A bill to be entitled, an act to promote a methodical transfer of the affairs of the Republic of Texas to the State of Texas—read a second time, and

On motion referred to the Judiciary Committee.

A joint Resolution defining the mode of procedure to be pursued by the Legislature in enacting laws—was read a second time.

Mr. Bourland moved its reference to the committee on the Judiciary.

On motion of Mr. Sublett, the bill was indefinitely postponed.

Mr. Burroughs moved a reconsideration of the vote on the indefinite postponement of said bill.

The Yeas. and Nays. being called for thereon, stood thus:

Yeas. Messrs Speaker, Adams, Barry, Branch, Bourland, Brown, Charlton, Cooke, Cronican, Dickson, Dupree, Echols, Edwards of Nacogdoches, Erath, Gray, Gillett, Gilliam, Hudson, Jones, Keenan, McCulloch, McFarland, McNeill, Milican, Muckleroy, Mullens, Pease, Perkins, Perry, Railey, Rayner, Redgate, Rose, Russell, Savage, Stevenson, Stewart, Smith of H. Tankersly, Truitt and White. 41.

Nays. Messrs. Burroughs, Clark, Edwards of San Augustine, Eddy, Gooch, Holland, Mabry, McClarty, McCown, Miller,

Pattillo, Sadler, Smith of Rusk, Swift, Sublett, Willie and Williams. 17.

The bill was reconsidered: and on motion of Mr. Rose, referred to the Judiciary, Committee.

A bill to be entitled, an act to create a new County, out of part of the Counties of Bexar and Gonzales, to be called the County of Gaudalupe. Read a second time—and on motion referred to the committee on County Boundaries.

A bill to be entitled an act to provide for a *viva voce* vote in all elections. Read a second time.

Mr. Perkins moved its reference to the committee on Privileges and elections. Lost.

Mr. Dickson moved the indefinite postponement of said Bill.

The *Yeas* and *Nays*. being called for, stood.

Yeas. Messrs. Brown, Clark, Dickson, Edwards of San Augustine, Hudson, McCulloch, McNeill, Noble, Rose, Sadler, Smith of H. Truitt and Williams. 15.

Nays. Messrs. Speaker, Adams, Barry, Branch, Bourland, Burroughs, Charlton, Cooke, Cronican, Dupree, Echols, Edwards of Nacogdoches, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Jones, Keenan, Mabry, McClarty, McCown, McFarland, Miller, Milican, Muckleroy, Mullens, Ogden, Pattillo, Pease, Perkins, Railey, Rayner, Redgate, Russell, Savage, Stewart, Smith of Rusk, Swift, Sublett, Tankersly, White and Willie. 46.

The motion to indefinitely postpone. Lost.

Mr. Rose moved to amend by striking out "*viva voce*" and inserting "by ballot". Lost.

Mr. Bourland moved its reference to the committee on Privileges and Elections. Lost.

Mr. Gray moved the previous question. Lost.

On motion of Mr. Brown, the bill was referred to a select committee, consisting of Messrs. Brown, Rose, Gillett, Bourland, and Clark.

A bill to be entitled, an act to create the County of Limestone, was read a second time, and on motion referred to the committee on County Boundaries.

A bill to be entitled, an act to establish the County of Tyler. Read a second time—and:

On motion, referred to the committee on County Boundaries.

Mr. Dupree moved to adjourn until half past two o'clock P. M. Lost.

A bill to be entitled an act to create the County of Lavaca.
Read a second time—and

On motion, referred to the committee on County Boundaries.

A bill to be entitled an act to create the County of——; read a second time, and

On motion referred to the committee on County Boundaries.

A bill to be entitled an act to create the County of——; and to divide Bowie County—read a second time, and

On motion referred to the committee on County Boundaries.

A bill to be entitled, an act to re-organize the County of San Patricio and for other purposes—read a second time.

Mr. Cooke moved the Engrossment of said bill. Lost.

Mr. Bourland moved its reference to the Judiciary Committee. Carried.

A bill to be entitled, an act providing a new mode of establishing county seats—read a second time.

Mr. Gilliam moved to amend the bill by striking out "five" and inserting "three." Lost.

On motion of Mr. Brown, the bill was referred to the committee on County Boundaries.

On motion of Mr. Tankersly, the House adjourned until three o'clock P. M.

THREE O'CLOCK, P. M.

The House met.

The roll was called and a quorum present,

A bill to be entitled, an act to extend the jurisdiction of Justices of the Peace, over cases of Assault and Battery—read a second time, and

On motion referred to the Judiciary committee.

A bill to be entitled, an act to create a new county to be called the County of De Witt—read a second time, and

On motion referred to the committee on County Boundaries.

Mr. Stewart, Chairman of the committee on Printing, to whom was referred a Resolution instructing them to contract for certain papers, also to contract for the contingent printing of the House, also for the printing of the laws and Journals, reported duty performed in part, in contracting for the print-

ing of the Message of the Governor; submitting propositions from the printers for the publication of the Laws and Journals, and requesting to be discharged from the further consideration of that part of their instructions; and contract alone for the contingent printing of the House.

Report laid on the table.

Mr. Tankersly moved that the committee be instructed to withdraw from the hand of the Printer, the Documents accompanying the Governor's message, for the purpose of examining the same, and selecting what portions are necessary to be printed. Carried.

A message was received from the Senate, through their Secretary Mr. Bee, informing the House that they had passed a Resolution, requesting the committee on the part of the House to act with the committee of the Senate, to contract for the Job Printing of this Legislature.

On motion of Mr. Sublett, the message from the Senate was taken up and concurred in.

Mr. Stewart, by leave, introduced a bill to be entitled an act to repeal in part, an act entitled an act supplementary to an act authorizing the issuing of Duplicate Land Warrants &c.

Read a first time.

Mr. Cooke, by leave, introduced a bill to be entitled an act authorizing persons to dispose of property, by will—read a first time.

Mr. Stewart, by leave, introduced a bill to be entitled an act to define the jurisdiction of Justice's Courts in civil cases.

Read a first time.

Mr. Brown, Chairman of the committee on Privileges and Elections, to whom was referred, the petition of Albert G. Haines, made the following report.

To the Hon. Wm. E. Crump,

Speaker of the House of Representatives:

The committee on Privileges and Elections, to whom was referred the petition of Albert G. Haines of the County of Washington, praying an investigation into, and contesting the right of Lewis G. Dupree, one of the members returned from the County of Washington aforesaid, to a seat in the House of Representatives of the Legislature of the State of Texas, have instructed me to report, that from all the circumstances connected with said case, so far as your committee have been able to investigate the same, are of opinion that the said Lewis

G. Dupree is one of the legal Representatives of the County of Washington, and entitled to retain his seat as such.

Respectfully,
JOHN BROWN,
Chairman.

Report adopted.

Mr. Ogden moved a reconsideration of the adoption of said report—carried, and

On motion of Mr. Tankersly, the House resolved itself into into a committee of the whole, on the petition of A. G. Haines.

MR. PERKINS, *in the Chair.*

After some time spent therein, the committee rose, reported no progress, and asked leave to be discharged from the further consideration of the subject.

Report adopted.

On motion of Mr. Bourland, the report was laid on the table.

On motion of Mr. Clark, the House adjourned until to-morrow morning, nine o'clock.

HOUSE OF REPRESENTATIVES, }
AUSTIN, February 26th 1846. }

The House met, pursuant to adjournment.

The roll was called—a quorum present.

The Journal of the preceding day was read and adopted.

Mr. McCown presented the petition of Samuel B. Dickinson, which was referred to the committee on Claims and Accounts.

Mr. Rayner presented the petition of John Harrison, praying for relief, which was referred to the committee on Public Lands.

Mr. Rayner, also, presented a petition from John W. Collins and W. W. Bush, praying for land, which was likewise referred to the committee on Public Lands.

Mr. Holland offered the following resolution :

Resolved, by the House of Representatives of the State of Texas, That a committee of three be appointed, to enquire and report at the earliest period practicable, what amount of pa-

per money has been issued by the Government of the Republic of Texas, and what amount of the same has been cancelled under the various laws for the liquidation of the Public Debt.

Resolution adopted.

Whereupon the Speaker appointed Messrs. Holland, Dickson and Willie, said committee.

Mr. Cooke offered the following resolution :

Resolved, by the Legislature of the State of Texas, That the Senators in the Congress of the United States from the State of Texas, be, and they are hereby instructed to procure, if possible, the establishment of a mail route from Washington in Washington county by Boonville in Brazos county, Wheelock and Franklin in Robertson county, Springfield in Limestone, — in Navarro county and Dallas in — county, to Warren in Fannin county; and that the Governor furnish said Senators with a copy of this resolution.

Read a first time.

On motion of Mr. Bourland, the resolution was laid on the table.

Mr. Gillett introduced a resolution, requiring the Senators in Congress from the State of Texas, to procure a mail route from the city of Houston, &c.

Read a first time.

On motion of Mr. Clark, the resolution was laid on the table;

Mr. Mabry introduced the following resolution :

Resolved, That the Finance committee be requested to enquire into the expediency and practicability, of the present Legislature establishing a Penitentiary, and report as soon as practicable, by bill or otherwise.

Resolution adopted.

Mr. Irion introduced a resolution, instructing the committee on the Judiciary, to report to this House, a bill to carry out the requirements of the nineteenth section of the General Provisions of the Constitution, relative to the separate property of the wife.

Read and rejected.

Mr. Clark offered the following resolution :

Resolved, That the committee on the Land Office, be instructed to enquire into the expediency of dividing, at this session of the Legislature, the affairs or business of said office, and of establishing two subordinate offices, to be located at suitable and convenient points in the eastern and western portions of the State.

Mr. Tankersly moved to lay the resolution on the table.—
Lost.

Question on the adoption of the resolution, was then taken,
and carried.

Mr. Pease, chairman of the committee on Public Lands,
made the following report :

To the Honorable W. E. Crump,
Speaker of the House of Representatives :

The committee on Public Lands, to whom was referred the
petition of Matthew Cartwright, praying for a confirmation
of his certificate of two thirds of a league and labor of land,
which was rejected by the Travelling Board of Land Commis-
sioners, have had said petition under consideration, and do not
find any thing in the character of the petitioner's claim, which
requires the action of the Legislature. Our statutes have pre-
scribed the manner in which such certificates may be confirm-
ed by the District Court, and the second section of the eleventh
article of the Constitution, gives ample time to procure such
confirmation. The committee believe that the Legislature
ought not to pass special acts for the relief of individuals, in
cases where they have a plain and adequate remedy by apply-
ing to the Courts, and therefore recommend that the petitioner
have leave to withdraw his petition ; and that said committee
be discharged from the further consideration of the same. All
of which is respectfully submitted.

Report adopted.

Mr. Russell, chairman of the committee on Engrossed bills,
made the following report :

To the Honorable W. E. Crump,
Speaker of the House of Representatives :

The committee on Engrossed bills, have examined a bill, to
be entitled, an act, to provide for the election of Representa-
tives to the Congress of the United States, and find the same
correctly engrossed.

Report adopted.

Mr. Gray introduced a bill to make provision for Public Ed-
ucation.

Read a first time.

Mr. Railey introduced a bill to be entitled, an act, to fix the
county seat of the county of Austin.

Read a first time.

Mr. Gilliam offered the following resolution :

Resolved, That the Chair appoint a committee, consisting of one member from each Judicial District, whose duty it shall be to examine what mail routes will be necessary to the well being of the good citizens of this State, and report at an early day, by resolution or otherwise.

On motion of Mr. Bourland, the resolution was amended, by adding, "and that the Senate be requested to appoint a like committee."

Resolution as amended, was adopted.

Whereupon, the Speaker appointed Messrs. Dickson, Edwards of San Augustine, Cooke, Ogden, Gray, Bourland, and Perry, said committee.

Mr. Stevenson introduced a bill, to be entitled, an act, to suppress secret gaming, and to increase the revenue of the State by a license tax on certain games.

Read a first time.

Mr. Sablett introduced a bill to be entitled, an act, requiring the collectors of revenue upon impost duties, under the laws of the Republic of Texas, to pay over the same into the Treasury of the State.

Read a first time.

Also, a bill to indemnify and protect the collector of customs under the laws of the Republic of Texas.

Read a first time.

Mr. Keenan introduced a bill, to be entitled, an act, to amend the registration laws of the State.

Read a first time.

Mr. Perkins introduced a bill, to be entitled, an act, for the relief of John W. Little.

Read a first time.

On motion, the

ORDERS OF THE DAY.

were taken up.

A bill to be entitled, an act providing for the election of Representatives to the United States Congress, was taken up, read a third time; and

On motion of Mr. Pease, laid on the table.

On motion of Mr. Miller, the Senate's bill (of a similar character,) was taken up, and

Read a second time.

Mr. Gilliam moved to amend the caption.

Mr. Bourland moved the reference of the bill to the committee on the Judiciary. Lost.

Mr. Tankersly moved to lay the bill on the table. Lost.

Mr. Tankersly moved that the bill be made the order of the day, for eleven o'clock to-morrow. Lost.

Mr. Brown moved to refer the bill to the committee on the Judiciary, with instructions to report at half-past three o'clock, p. m., this day.

Question on Mr. Tankersly's motion, was then taken, and lost.

Question on Mr. Brown's motion to commit, was put and carried.

Mr. Cooke introduced a bill to be entitled, an act, to provide for an appropriation, for the payment of the mileage and per diem pay of the members of the Legislature of the State of Texas.

Read a first time.

On motion, the rule was suspended; read a second time and referred to the committee on Finance.

On motion of Mr. Perkins, Mr. Bourland was added to the Finance committee.

On motion of Mr. Durham, the report of the chairman of the committee on Privileges and Elections, relative to the contested election between Messrs. Dupree and Haines, of Washington county, was taken up, and

On motion of Mr. Gray, the report was referred to a select committee, consisting of one member from Austin county, one from Brazos county, one from Montgomery county, and two from Washington county.

On motion, Messrs. Erath and Hudson, were added to the same committee.

On motion of Mr. Willie, the parties were allowed time to send for persons and papers.

Mr. Tankersly introduced a bill, to be entitled, an act, to provide for the summary recovery of real property. Read a first time.

A bill to be entitled, an act, to incorporate the Grand Lodge of the Independent Order of Odd Fellows, was read a second time.

On motion of Mr. Dickson, referred to the committee on the Judiciary.

A bill to be entitled, an act, to create the county of Burleson. Read a second time, and

On motion, referred to the committee on County Boundaries..

A bill to be entitled, an act, for the relief of Ashbel Smith.
Read a second time, and

On motion of Mr. Sublett, referred to the committee on Claims and Accounts.

A bill to be entitled, an act, to suppress the burning of woods.
Read a second time.

Mr. Cooke moved the Engrossment.

Keenan offered an amendment.

On motion of Mr. Clark, the bill was referred to the committee on the Judiciary.

A bill to be entitled, an act, for the relief of G. S. McIntosh.
Read a second time, and

On motion of Mr. Rose, referred to the committee on Claims and Accounts.

A bill to be entitled, an act, to suppress private banking.
Read a second time, and

On motion of Mr. Williams, referred to the Judiciary committee.

A bill to be entitled, an act, to create the county of Navarro.
Read a second time.

On motion of Mr. Cooke, referred to the committee on County Boundaries.

A bill to be entitled, an act to repeal, in part, an act, supplementary to an act, authorizing the issuing of Duplicate Land certificates.

Read a first time.

A bill to be entitled, an act, authorizing persons to dispose of property by will. Read a second time.

On motion of Mr. Cooke, referred to the Judiciary Committee.

A bill to be entitled, an act, to define the sum to be sued upon in Justices' Courts, was read a second time.

On motion of Mr. Stewart, referred to the committee on the Judiciary.

On motion of Mr. Dickson, the House adjourned until three o'clock, p. m.

THREE O'CLOCK, P. M.

The House met. Roll called—a quorum present.

Mr. Mabry introduced a bill to be entitled, an act, to increase License Taxes.

Mr. Stewart introduced a bill, to be entitled, an act, to define and protect the rights of heirs of those persons, citizens of Texas, who died, resident therein, previous to the seventeenth day of March, eighteen hundred and thirty-six.

Bill, read a first time.

Mr. Gray, chairman of the committee on the Judiciary, made the following report :

COMMITTEE ROOM, }
February 26th, 1846. }

*To the Honorable Speaker of
the House of Representatives:*

The committee on the Judiciary, to whom was referred a bill, (from the Senate,) to be entitled, an act, to provide for the election of Representatives, to the Congress of the United States, have had the same under consideration; and have instructed me to report: That, in regard to the caption and provisions of said bill, they can see no constitutional objection to it.

By the law of the United States Congress, of June twenty-fifth, eighteen hundred and forty-five—which is mentioned by His Excellency, the Governor, in his message—it is the duty of the Legislature of each State, to lay off the State into Congressional Districts, and this is a provision made in the bill, as being an essential point, in providing for the election of Representatives. It is deemed to be quite as necessary a part of the law, as those other parts, which provide the time, places, mode of procedure and returns, of elections.

The bill, therefore, in the opinion of the committee, does not embrace two objects.

On considering the third section of the bill, it appears, that, in some counties, there are no Chief Justices.

The committee have instructed me, to propose the following amendment to the bill:

After the words "Chief Justice," in the fourth line, insert "or Sheriffs, should there be no Chief Justices," which will obviate the difficulty.

The committee, considering that the regular elections, for Representatives to Congress, will occur before the next regular session of the Legislature; and that there is no provision, in our laws, for those elections to be held, have further instructed me to propose the following amendment to the bill:

After the word "that," in the eighth section of the bill, in-

sert, "the elections for Representatives to Congress, after the first election, and until the next apportionment, shall be held at the same time and places, that the biennial elections for members of the Legislature are held; and that," &c.

With these amendments, the committee recommend the passage of the bill.

[Signed]

P. W. GRAY,
Chairman.

Report read and received, and the amendments adopted.

The bill was then placed on its second reading.

On motion of Mr. Sublett, the rule of the House, which requires bills to be read on three several days, was suspended.

The bill was then read a third time.

The yeas and nays were called, on the final passage of the bill, and stood as follows :

Yeas. Messrs. Speaker, Adams, Barry, Branch, Brown, Charlton, Cooke, Cronican, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Eddy, Erath, Gray, Gilliam, Gooch, Holland, Irion, Jones, Keenan, Mabry, McClarty, McCulloch, McNeill, Miller, Milican, Muckleroy, Noble, Ogden, Pattillo, Pease, Perkins, Perry, Railey, Rayner, Redgate, Rose, Sadler, Savage, Stevenson, Swift, Sublett, Tankersly, Truitt and Willie.
—49.

Nays. Messrs. Bourland, Burroughs, Clark, Gillett, McCown, McFarland, Russell, Ryburn, Smith of Rusk, White and Williams.—11.

So the bill was passed.

On motion of Mr. Brown, Mr. Gray was added to the select committee, to whom was referred a bill, to be entitled, an act, to change the mode of holding elections.

On motion of Mr. Edwards of Nacogdoches, Mr. Brown was added to the committee on the Land Office.

Mr. Gooch, by leave, introduced a bill, to be entitled, an act, to repeal an act, creating a board of Medical Censors.

Bill read a first time.

Mr. Burroughs, offered the following resolution :

Resolved, That so much of the Governor's message as relates to taxation, be referred to the committee on Finance; and that portion which relates to the appointment of Assessors and Collectors, be referred to the committee on the Judiciary.—That part, which relates to the report of the Secretary of the Treasury, be referred to the committee on Finance; that part, which relates to Public Schools, be referred to the committee

on Education. That part, which relates to the civil and penal laws, be referred to the committee on the Judiciary. That part, which relates to the erection of Court-houses and County Prisons, be referred to the committee on Public Buildings.—That part, which relates to the Militia, be referred to the committee on the Militia; and that which relates to the report of the Commissioner of the General Land Office, to the committee on the Land Office.

Mr. Tankersly offered the following as an amendment to the resolution :

That portion, relative to claims, be referred to the committee on Claims and Accounts.

Amendment adopted.

Mr. Branch offered the following, as an amendment to the resolution :

That, which relates to the Public Lands, be referred to the committee on Public Lands.

Amendment adopted.

On motion of Mr. Gray, the resolution was laid upon the table.

Mr. Gray then moved, that the Speaker appoint a committee on State Affairs.

Motion carried.

On motion of Mr. Gray, the resolution was taken from the table, and adopted.

On motion of Mr. Russell, the House adjourned until tomorrow, three o'clock, p. m.

HOUSE OF REPRESENTATIVES. }
AUSTIN, Friday, February 27th, 1846. }

The House met, pursuant to adjournment.

The roll was called, a quorum being present:

The House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Stewart, by request, presented a memorial, from Sundry citizens of Montgomery county—praying to revive the Judicial county of Hamilton.

Memorial read, and

On motion, referred to the committee on County Boundaries.

Mr. Clark presented the petition of Loring R. Henderson—praying to be relieved from County and State Tax.

Petition read and,

On motion, referred to the committee on Judiciary.

Mr. Tankersly, Chairman of the committee on Finance, made the following report:

To the Honorable Speaker, of the

House of Representatives:

The committee on Finance, to whom was referred a bill entitled, "An act, to provide for an appropriation, for the payment of the *per diem* and mileage pay, of the members, of the Legislature of the State of Texas," have had the same under consideration, and instruct me to report the following, for the consideration of the House, as a substitute for said bill: and, respectfully, to recommend its passage—the original bill being, herewith, returned to the House.

[Signed]

B. F. TANKERSLY
Chairman.

Report, bill and substitute received, and laid upon the table, to come up among the orders of day.

Mr. Brown presented a memorial from a portion of the citizens of Nacogdoches county—praying for the establishment of a mail route, therein named.

Memorial read and,

On motion, referred to the committee on Post Routes.

Mr. Brown, also presented a petition from the citizens of that portion of Texas, set apart for Colonization, by C. Fenton Mercer—praying for a quantum of Land.

Petition read, and,

On motion, referred to the committee on County Boundaries.

On motion of Mr. Bourland, Mr. Cazenau, member elect, from Travis county, came forward, presented his credentials, took the oath, prescribed by the Constitution, and his seat.

A message was received from the Senate, informing the House of the passage of a bill, to be entitled, "An act, to postpone the holding of the District Courts, in the several Judicial Districts," by that body.

Mr. Stewart offered the following Resolution:

Resolved, That——committee be requested to draft a law, to carry into effect, at the earliest practicable moment, the 29th section, of the 3d., article of the Constitution—requiring

an "enumeration to be made of all the free inhabitants of the State of Texas"—so that the apportionment of Representation, in the State Legislature, may be made at an early day; and, if possible, the number of Representatives be reduced to the lowest constitutional limit.

Resolution adopted, and,

On motion, referred to the committee on the Judiciary.

On motion, the vote, which just referred Mr. Stewart's Resolution to the committee on the Judiciary, was reconsidered, and,

On motion of Mr. Stewart, the Resolution was referred to the committee on State Affairs.

Mr. Sublett offered the following Resolution:

Resolved, That the 50th rule, of the Standing Rules of the House of Representatives, shall no longer be binding on the House; and that it shall be in order, to introduce *bills at any time*, when, by the Rules, *Resolutions* are in order.

Mr. Edwards of Nacogdoches, offered the following Resolution:

Resolved, That the committee on the Judiciary, be instructed to report to this House, a bill, for the Judicial organization of the several counties, that now exist, or may hereafter exist: defining, fully, the duties of Justices, Constables and other officers.

Resolution read and adopted.

Mr. Edwards, of Nacogdoches, also offered the following Resolution:

Resolved, That a committee, of five members of this House, be appointed by the Chair, to confer with a like committee, on the part of the Senate, on the propriety and expediency, of laying off this State, into three several Supreme Judicial Districts.

Resolution read and adopted.

The Speaker appointed Messrs. Edwards of Nacogdoches, Edwards of San Augustine, Eddy, White and McCulloch, to constitute said committee.

On motion of Mr. Gillett, the substitute for a bill, to be entitled, "An act, making an appropriation for the mileage, and *per diem* pay, of the members of the Legislature," was taken up, and read a second time.

On motion of Mr. Tankersly, the bill was amended, by striking out the words, "not otherwise," and inserting, "appropriated by this act."

Mr. Sublett moved, to further amend the bill, by inserting, in

the first section, after the words, "members of the," the word "first."

Amendment adopted.

On motion of Mr. Bourland, the bill was ordered to be engrossed.

Mr. Sadler, moved, that the Rule of the House, which requires bills to be read on three several days, be suspended.

Motion carried.

The bill was then read a third time, and passed.

Mr. Gray introduced a bill, to be entitled, "An act, to legitimate certain children, therein named."

Bill read a first time.

Mr. Smith of Rusk introduced a bill, to be entitled, "An act, to enable the County Surveyor, of Rusk County, to make a complete Map of said County.

Bill read a first time.

Mr. Miller introduced a bill, to be entitled, "An act, prescribing the time, when laws shall go into effect."

Bill read a first time.

Mr. Stewart introduced a bill, to be entitled, "An act, to legalize the acts, of the several Boards of Land and County commissioners; and for other purposes."

Bill read a first time.

Mr. Burroughs introduced a bill, to be entitled, "An act, to prescribe the manner of electing District Attorneys; and fixing their term of Office, their Salaries and perquisites."

Bill read a first time.

Mr. Williams introduced a bill, to be entitled, "An act, defining the boundaries of Goliad County."

Bill read a first time.

On motion of Mr. Bourland, Mr. Cazenau was added to the committees on Finance, Military Affairs and State Affairs.

On motion of Mr. Brown, Mr. Jones was added to the committees on County Boundaries, State Affairs and Finance.

On motion of Mr. Smith of Rusk, Mr. Miller was added to the committee on the Judiciary.

On motion of Mr. Sadler, the House adjourned, until to-morrow morning, nine o'clock.

HOUSE OF REPRESENTATIVES, }
 CITY OF AUSTIN, }
 Saturday, February 28th, 1846. }

The House met, pursuant to adjournment.

The roll was called, and, a quorum being present:

The house proceeded to business.

The Journal of the preceding day was read and adopted:

Mr. Clark presented a memorial, from a portion of the citizens of Harrison and Nacogdoches counties, praying for the creation of a new county.

Memorial read, and referred to the committee on County Boundaries.

Mr. Swift presented a memorial from the citizens of — county, praying for the creation of a new county.

Memorial read and referred to the committee on County Boundaries.

On motion of Mr. Rayner, Mr. Eddy was added to the committee on Claims and Accounts.

Mr. Erath, chairman of the Select committee, to whom was referred the petition of Albert G. Haines, of Washington county, claiming the seat, now occupied by the Hon. L. G. Dupree, in the House of Representatives of the Legislature of Texas, reported, and recommended the adoption of the following resolution:

COMMITTEE ROOM }
 Feb. 27th 1846. }

Honorable, Wm. E. Crump,

Speaker of the House of Representatives:

The Select committee, to whom was referred the petition of Albert G. Haines, Esq., of Washington county, claiming the seat, now held by Lewis G. Dupree, Esq., beg leave to report:

That they have patiently investigated the subject referred to them, and now lay before the House the following facts, connected with the pending contest:

Your committee did not believe that justice could be done, between the parties, except by entering into a thorough examination of the tickets, polled at each precinct, in the county of Washington, in order to ascertain if any illegal votes have been cast, for either of the contending candidates. This they have done, with the exception of the Box at the town of Washington, which could not be purged, for the reason that the tickets,

polled there, were not numbered. The committee are of opinion, that the failure, on the part of the officers of election, to number the tickets, at the Box, in the precinct of Washington, ought not to deprive the contesting candidate—Mr. Haines—of the benefit of all the votes polled there.

Both of the gentlemen, claiming the seat, expressed a willingness before the committee to allow *that Box* to be received; and, this, coinciding with the views of the committee, they have, accordingly, taken the Box at Washington, into the estimate, (which is here presented,) of the votes received by the contesting candidates.

At the precinct of Washington, it appears that,

Albert G. Haines, received 43 votes.

Lewis G. Dupree, received 34 votes.

At the precinct of Jacksonville,

Albert G. Haines, received 33 votes.

Lewis G. Dupree, received 57 votes.

At Kerr's precinct,

Albert G. Haines, received 19 votes.

Lewis G. Dupree, received 11 votes.

At the precinct of Brenham,

Albert G. Haines, received 81 votes.

Lewis G. Dupree, received 118 votes.

At Independence, as it appears from the list of votes, returned to the Chief Justice of Washington county, there were *sixty-seven* (67) *persons*, who voted; and, at the same time, there were, also, *seventy* (70) *tickets*, properly numbered and returned, to that officer. The committee did not feel authorized to count the tickets, numbered "68," "69," "70," all of which were for A. G. Haines, inasmuch as there were only *sixty-seven* (67) *voters*, upon the Clerk's list. At that Box, it was found that Haines received 58 votes, and Dupree received 12 votes.

The aggregate of this vote, is as follows:

For Albert G. Haines, 234 votes.

For Lewis G. Dupree, 232.

Your committee, upon investigation, and having thoroughly purged the Polls, at all the Boxes, where the tickets were numbered—which was the case at every Box, except that at the precinct at Washington—discover, from the testimony before them, that two illegal votes were cast for Mr. Haines, at Brenham, to wit: Enoch King and A. G. Starnes, citizens of Austin county. They learn further, from the proof adduced before them, that two illegal votes were cast for Mr. Haines, at Inde-

pendence, to wit: The votes of James Lindsey and Francis Thompson, citizens of Milam county. Deducting these four illegal votes, will reduce the vote of Mr. Haines to 230; leaving Mr. Dupree a majority of two votes.

Your committee believe it to be their duty, to inform the House, fully, of all the facts, in regard to the pending contest, referred to them, in order that the House may be apprised of the grounds upon which they offer the accompanying resolution, and recommend its adoption.

All of which, is most respectfully submitted.

[Signed]

G. B. ERATH,
Chairman.

Be it resolved, by the House of Representatives of the Legislature of Texas, That the Hon. Lewis G. Dupree, the present sitting member, from the county of Washington, having received a majority of the *legal* votes, cast for Representative, is duly and constitutionally elected a member of the House of Representatives, and is entitled to his seat in this House.

Be it further resolved, That it is the opinion of this House, that Albert C. Haines, Esq., is entitled to the *regular mileage*, as a member of the Legislature, in coming from, and returning to, the county of Washington, for the purpose of claiming a seat in this body; which should be paid out of the contingent fund of this House.

Resolution read.

On motion of Mr. Clark, the Resolution was amended, by striking out the second section, and

The report, and Resolution, as amended, were then adopted.

Mr. Burroughs introduced a bill, to be entitled, an act, to repeal an act, entitled, an act, to amend an act, regulating attachments.

Bill read a first time.

Mr. McFarland introduced a bill, to be entitled, an act, to prescribe the mode of summoning grand, and petit jurors.

Bill read a first time.

Mr. Gilliam introduced a bill, to be entitled, an act, extending certain privileges to Justices of the Peace.

Bill read a first time.

Mr. Gray, Chairman of the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred a bill, to be entitled, an act, authorizing the Governor to code

and transfer, to the United States, all the property, of what description soever, embraced in, and contemplated by, the Joint Resolution of both Houses of the Congress of the United States, reported the bill back to the House, with the following amendments, and recommended its passage, as amended.

First amendment. Strike out all in the first section, after the word "Texas," in the tenth line of said section, which relates to the Custom Houses, &c., and insert the following :

SECTION 2nd. *Be it further enacted*, That the Governor be, and, hereby is, authorized and fully empowered, in the name of the State of Texas, to cede, transfer, and deliver over, to the United States, or to any agent, or agents, by them appointed, by such instruments in writing, or other means, as he may deem proper and necessary, all the right, title, interest and claim, which the Republic of Texas had heretofore, or the State of Texas now has, in and to, all the Custom Houses, and other places for the collection of impost duties, and other foreign revenues, situated in the State, on such terms and conditions, as may be agreed upon, between himself and the Government of the United States : *Provided, however*, That nothing contained in this act, or in the deeds or instruments of writing, executed in pursuance thereof, shall be so construed, as to prevent the execution of any process, whatever, by the officers of this State, within the limits of the jurisdiction, or other places, hereby authorized to be ceded.

Amendment second. Let the section of the bill, which is now the second, be numbered the third.

The said committee, have also, had under consideration, a bill to be entitled, an act, to suppress the burning of woods, at improper seasons.

And a bill, to be entitled, an act, to suppress private banking, and recommend that said bills be laid upon the table.

[Signed]

P. W. GRAY.

Chairman.

Which reports were read and received, and laid upon the table, to come up in their regular order.

Mr. McCown introduced a bill, to be entitled, an act, regulating attachments.

Bill read a first time.

Mr. Stewart introduced a bill, to be entitled, an act, to provide for the issuing of patents, to the assignees of all good and genuine head right land certificates.

Bill read a first time.

On motion, the House then proceeded to the

ORDERS OF THE DAY.

A bill to be entitled, an act, fixing the county seat of the county of Austin, was taken up, and

Read a second time.

Mr. Railey moved that the bill be engrossed.

Mr. Willie moved that the bill be referred to the committee on county boundaries.

Motion carried, and the reference made.

A message was received from the Senate, through their Secretary, Mr. Bee, informing the House of the concurrence, of that body in the amendments of the House, to the bill, to be entitled, an act, providing for the election of Representatives to the United States Congress.

A bill to be entitled, an act, to suppress secret gaming, and to increase the revenue of the State, by a license tax on certain games, was taken up, and

Read a second time.

Mr. Gilliam moved, that the bill be indefinitely postponed.

Mr. Rose moved, that the bill be referred to the committee on the Judiciary.

Motion lost.

Mr. Rose then moved, that the bill be referred to the committee on Finance.

Motion carried, and the reference made.

A bill to be entitled, an act, requiring the collectors of revenue and other impost duties, under the laws of the Republic of Texas, to pay over the same into the Treasury of the State of Texas, was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, an act, to indemnify and protect, the collectors of customs, under the laws of the Republic of Texas, was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, an act, to legitimate Mary, the child of Frederick Otto and Caroline Ericksen, was taken up, and

Read a second time.

On motion of Mr. Gray, the bill was ordered to be engrossed

A bill to be entitled, an act, for the relief of Isaac Furgerson, was taken up, and

Read a second time.

On motion of Mr. Smith of Rusk, the bill was referred to the committee on Public Lands.

A bill to be entitled, an act, to authorize the County Surveyor, of Rusk county, to make a complete map of said county, was taken up, and

Read a second time.

On motion, the bill was referred to the committee on County Boundaries.

A bill to be entitled, an act, prescribing the time, when laws shall go into effect, was taken up, and

Read a second time.

On motion of Mr. Clark, the bill was referred to the committee on the Judiciary.

A bill to be entitled, an act, to make provision for Public Education, was taken up, and

Read a second time.

On motion of Mr. Gray, the bill was referred to the committee on Education.

A bill to be entitled, an act, to legalize the acts, of the several boards of Land and County Commissioners, of the Republic and State of Texas, in granting conditional and unconditional Land Certificates, to emigrants, under the laws now in force, was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Public Lands.

A bill to be entitled, an act, prescribing the mode of electing District Attorneys, fixing the term of their offices, salaries and perquisites of office, was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill to be entitled, an act, to define the county boundaries of Goliad county, was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Finance.

Mr. Cazenau, by leave, introduced a bill, to be entitled, an act, to continue in force, an act, for the relief of purchasers of lots in the city of Austin, and on the tract adjoining.

Bill read a first time.

A bill to be entitled, an act, to amend the Registration laws of the State, was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill to be entitled, an act, for the relief of John W. Little, was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Claims and Accounts.

A bill to be entitled, an act, to provide for the summary recovery of real property, was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

Mr. Tankersly, chairman of the committee on Finance, by leave, made the following report:

The committee on Finance, to whom was referred the resolution, requiring the said committee, to take into consideration the organization of the Treasury Department, have instructed me to report, to the House, the accompanying bills, and to respectfully recommend their consideration.

Report and bills received, and laid upon the table, to come up in their regular order.

On motion of Mr. Bourland, the report and bills were again taken up, and one hundred copies of each bill, was ordered to be printed, for the use of the House.

A bill, to be entitled, an act, to increase License taxes, was taken up, and

Read a second time.

On motion of Mr. Perkins, the bill was referred to the committee on Finance.

Mr. Stewart made the following motion:

The name of the Hon. Mr. Gilliam, in the Senatorial election, appears not to have been enumerated, by the Clerk, in the list of those who voted for Gen. Sam Houston.

I would move you, sir, that the Clerk have leave to correct his Journals, and that *this motion* be entered on the Journal of this day.

Mr. Noble introduced a bill, to be entitled, an act, to provide for the election of Assessors, and Tax Collectors.

Bill read a first time.

Mr. Eddy introduced a bill, to be entitled, an act, to change the boundary line of Jasper county. Bill read a first time.

On motion of Mr. Bourland, the House adjourned until Monday morning, nine o'clock.

HOUSE OF REPRESENTATIVES, }
City of Austin, Monday, March 2nd 1846. }

The House met, pursuant to adjournment.

The roll was called—a quorum present.

The House proceeded to business.

The Journal of Saturday the twenty-eighth ult., was read and adopted.

Mr. Keenan presented a memorial, from a portion of the citizens of Montgomery and Robertson counties, praying for the establishment of a new county.

Memorial read, and referred to the committee on County Boundaries.

Mr. Sadler presented a memorial, from the citizens of Houston county—praying for the creation of a new county.

Memorial read, and referred to the committee on County Boundaries.

Mr. Edwards of San Augustine, presented the petition of Wm. W. Holman—praying for the refunding of certain *duties*.

Petition read, and referred to the committee on Claims and Accounts.

This day, being the 11th Anniversary of the Declaration of Texian Independence.

Mr. Willie moved, that the House adjourn until to-morrow morning, nine o'clock.

The yeas and nays were called, on the adoption of Mr. Willie's motion, and stood as follows:

Yeas. Messrs. Adams, Branch, Bourland, Burroughs, Clark, Cooke, Cronican, Dupree, Durham, Echols, Edwards of Nacogdoches, Erath, Gillett, Holland, Irion, Jones, Keenan, McClarty, McCulloch, McFarland, McNeill, Miller, Milican, Mullens, Noble, Pattillo, Pease, Perkins, Perry, Redgate, Rose, Russell, Sadler, Smith of Harris, Smith of Rusk, Swift, Sublett, Williams and Willie—39.

Nays. Messrs. Speaker, Barry, Charlton, Dickson, Edwards of San Augustine, Eddy, Gilliam, Gooch, McCown, Muckleroy,

Railey, Rayner, Savage, Stewart, Tankersly, Truitt and White—17.

Motion carried, and the House adjourned, until to-morrow morning, nine o'clock.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, TUESDAY, }
March, 3d., 1846. }

The House met, pursuant to adjournment.

The roll was called, and, a quorum being present:

The House proceeded to business.

The Journal of the preceding day was read and adopted.

The Speaker announced to the House, the receipt of further returns of the election for Lieutenant Governor, of the State of Texas.

Mr. Brown moved that the returns be referred to the Joint committee of Investigation.

On motion of Mr. Durham, the Election Returns were laid, upon the table, until to-morrow, eleven o'clock.

On motion of Mr. Willie, Mr. Dupree was granted leave of absence, for two weeks.

On motion of Mr. Williams, the Speaker of the House of Representatives, was granted leave of absence, until monday week.

On motion of Mr. Burroughs, the House went into an election, for Speaker *pro tem*.

Mr. Ryburn nominated Mr. Bourland.

Mr. Chailon nominated Mr. Brown.

Messrs. Burroughs, Sadler and Eddy, were appointed Tellers, and,

The House proceeded to vote, by ballot.

On counting out the votes, it appeared that,

Mr. Brown had received 32 votes; and,

Mr. Bourland had received 23 votes.

Blank 1 vote

Mr. Brown, having received a majority of all the votes, was declared, duly and constitutionally, elected Speaker *pro tem*.

Messrs. Tankersly, Smith of Rusk and Russell, were appoin-

ted, to wait upon the Speaker *pro. tem*, and conduct him to the Chair.

Mr. Gilliam presented the petition of Jesse Walker, assignee of John Schweitzer, praying for relief.

Petition read, and,

On motion, referred to the committee on Public Lands.

Mr. Clark presented the petition of Thomas Cox—praying for the manumission of certain Children.

Petition read, and,

On motion, referred to the committee on the Judiciary.

Mr. Rayner, presented the petition of Robert H. Beale: praying for relief.

Petition read, and,

On motion, referred to the committee on Public Lands.

Mr. Smith of Rusk, introduced a bill, to be entitled, "An act, for the relief of Sundry Citizens."

Bill read a first time, and,

On motion, referred to the committee on Claims and Accounts.

Mr. Russell presented the petition of William Blythe—praying for relief.

Petition read, and,

On motion, referred to the committee on Claims and Accounts.

Mr. Tankersly, Chairman of the committee on Finance, made the following report:

To the Speaker of the

House of Representatives:

The committee on Finance, having had under consideration a bill, to be entitled, "An act, to provide for issuing Duplicate Land Warrants, Discharges and Head-Rights, on certain conditions" and a "Resolution, requiring said committee, to enquire into the practicability of establishing a Penitentiary," have instructed me to return the bill to the House, and report—That, as the bill, upon investigation, involves legal and constitutional questions, they would recommend its reference to the committee on the Judiciary; and, that, they would, also, recommend the Resolution to the committee on State Affairs, as being the appropriate committee to consider such Resolutions.

They have, also, had under consideration the "Resolution, requiring them to establish the Salaries of certain Officers, and further instruct me to report the accompanying bill, to be enti-

tled, "An act, regulating the Salaries of Judicial and Executive Officers;" and submit the same to the consideration of the House.

[Signed]

B. F. TANKERSLY
Chairman.

Report and bill received, and laid upon the table, to come up in their regular order.

Mr. Russell, Chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills, have examined a bill, to be entitled, "An act, to provide an appropriation, for the payment of the mileage and *per diem* pay, of the members of the Legislature of the State of Texas," and find the same correctly engrossed.

Report read, and accepted.

Mr. White introduced a "Joint Resolution, for amending the Constitution."

Joint Resolution read a first time.

Mr. Burroughs introduced a bill, to be entitled, "An act, to carry into effect, the 22d. section of the 7th article, of the Constitution of the State of Texas."

Bill read a first time.

Mr. Tankersly, introduced a bill, to be entitled, "An act, regulating the proceedings, against persons accountable for Public Moneys."

Bill read a first time.

Mr. Tankersly also introduced a bill, to be entitled, "An act defining the duties of Attorney Generals;" which was,

Read a first time.

Mr. Edwards of San Augustine, introduced a bill, to be entitled, "An act, to exclude from office, those, who shall, hereafter, be convicted of Treason, against this State or the United States, Bribery, Perjury, Forgery, Robbery, Larceny or Burglary.

Bill read a first time.

Mr. Barry introduced a bill, to be entitled, An act, for the relief of assignees of Land Certificates."

Bill read a first time.

The following report, was made by the committee on the Judiciary, through their Chairman, Mr. Gray:

The committee on the Judiciary, to whom was referred a bill, to be entitled, "An act, to promote a methodical transfer, of the principal affairs of the Republic of Texas, to the pro-

per authorities of the State of Texas," have instructed me to report the same back to the House, with the following amendments:

First Amendment. Strike out the word, "principal," in the caption, and insert the word "Finance."

Second Amendment. Add the following, as a second section, to the bill:

SECTION SECOND: *Be it further enacted,* That this act, take effect, from and after its passage."

With these amendments, the committee recommend the passage of the bill.

Report, bill and amendments, received, and laid upon the table, to come up in their regular order.

Mr. Gray, Chairman, of the committee on the Judiciary, also made the following report:

The committee on the Judiciary, to whom was referred a bill, to be entitled, "An act, requiring the Collectors of Impost Duties, under the laws of the Republic of Texas, to pay over the same, into the Treasury of the State of Texas;" and a bill, to be entitled, "An act, to indemnify and protect, the Collectors of Customs, under the laws of the Republic of Texas," have instructed me, to report the accompanying substitute, which embodies the subjects of both bills, and to recommend the passage of the same.

Report, bills and substitute, received and laid upon the table, to come up in their regular order.

Mr. Charlton introduced a bill, to be entitled, "An act, requiring elections to be holden, throughout the State."

Bill read a first time.

Mr. Erath introduced a bill, to be entitled, "An act, to repeal an act, to provide for the establishment of peace, and to regulate friendly intercourse with Indians."

Bill read a first time.

Mr. Perry offered the following Resolution:

"Resolved, by the House of Representatives, That all action, be postponed, for fifteen days, upon any, and *all* bills and petitions, introduced into this House, relative to the alteration or division of the three counties—Colorado, Matagorda and Austin—and that said bills lay on the table, for that length of time, in order that further petitions may be received, from said Counties."

Resolution read, and,

On motion, referred to the committee on County Boundaries.

On motion of Mr. Mabry, the House proceeded to the

ORDERS OF THE DAY.

A bill to be entitled, "An act, to postpone the holding of the District Courts, in the several Judicial Districts," was taken up, and

Read a first time.

A bill, to be entitled, "An act, to repeal an act, creating a Board of Medical Censors," was taken up, and

Read a second time.

On motion of Mr. Tankersly, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, extending certain privileges to Justices of the Peace," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, prescribing the mode of summoning Grand and Petit Jurors," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, to repeal an act, entitled, An act, regulating Attachments," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, to change the Boundary line of Jasper County," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on County Boundaries, with a request, that said committee do not report thereon, within fifteen days.

A bill, to be entitled, "An act, regulating Attachments," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, to provide for issuing Patents, to the assignees of all, good and genuine Head-Right, Land Certificates," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Public Lands.

A bill, to be entitled, "An act, to provide for the election of Assessors and Tax Collectors," was taken up, and

Read a second time.

On motion, the bill was laid on the table.

A bill, to be entitled, "An act, to define and protect, the rights of Heirs of those persons—citizens of Texas—who died, resident therein, previous to the 17th day of March, 1836," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Public Lands.

A bill, to be entitled, "An act, to continue in force, An act, for the relief of purchasers of Lots, in the City of Austin and tract adjoining," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Finance.

A bill, to be entitled, "An act, authorizing the Governor, to cede and transfer, all of the property, of what description soever, to the United States—embraced in, and contemplated by, the Joint Resolution, of both Houses of the Congress of the United States," was taken up, and

Read a second time.

On motion, the rule of the House, which requires bills to be read, on three several days, was suspended, and the bill was

Read a third time and passed.

A bill, to be entitled, "An act, defining the duties of Treasurer," was taken up, and

Read a second time.

Mr. Branch offered the following, as an amendment to the bill:

Strike out all, after the word "office," in the third line of the second section of the bill.

Amendment adopted.

Mr. Branch then moved to further amend the bill, by striking out the entire third section.

The yeas and nays were called, on the adoption of the proposed amendment, and stood as follows:

Yeas. Messrs. Branch, Burroughs, Cazenau, Clark, Cooke, Dickson, Durham, Echols, Edwards of San Augustine, Eddy, Gillett, Holland, Keenan, McClarty, McCown, McCulloch, Mc-

Farland, McNeill, Miller Milican, Mullens, Noble, Pattillo, Pease, Perkins, Perry, Railey, Rayner, Rose, Russell, Ryburn, Sadler, Smith of Harris, Smith of Rusk, Sublett, Swift, Truitt, and White: 38.

Nays. Messrs. Speaker, Adams, Barry, Charlton, Cronican, Edwards of Nacogdoches, Gray, Gilliam, Irion, Jones, Mabry, Muckleroy, Redgate, Stewart, Tankersly, Williams and Willie: 17.

So the Amendment was adopted.

Mr. Miller moved to amend the bill, by filling the blank, in the 6th, section, with the "last day of September."

Amendment rejected.

Mr. Gray moved, that the House resolve itself into a committee of the whole, to act on the bill now pending.

On motion of Mr. Durham, the House adjourned until three o'clock. P. M.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and, a quorum being present:

The house proceeded to business.

Mr. Tankersly, by leave, made the following report:

*To the Honorable Speaker, of the
House of Representatives:*

The undersigned, Chairman of the committee on Finance, deeming his abilities wholly inadequate to the discharge of the business and duties of said committee, respectfully asks, that he may be withdrawn from the same, and some other member of the committee, or House, be substituted in his place.

The undersigned believes, that there are several members, of the committee and House, whose business habits, and attention to the Financial matters of the State, eminently qualify them to discharge the duties of said committee, with satisfaction to the House, benefit to the State and credit to themselves: Therefore with a view to facilitating the business of the House and the interests of the State, this report, is with deference and respect, submitted to the consideration and action of the

House; as his services can, no longer, be of any avail as Chairman of said committee, to this House or State.

[Signed]

B. F. TANKERSLY.

On motion the report, was laid upon the table, until tomorrow.

The bill, under consideration of the House, at its adjournment, was again taken up.

Mr. Branch offered the following, as a substitute for the 9th section of the bill:

"The Treasurer shall exhibit, to the Governor, on the first day of November, of each year, and at such other times as the Governor may require, an exact statement of the condition and situation of the Treasury; and of the balance of money, remaining therein to the credit of the State, with a summary of the receipts and payments of the Treasury, during the preceding year, or such other period of time, as may be specially required."

The yeas and nays were called, on the adoption of the substitute, and stood as follows;

Yeas. Messrs. Adams, Barry, Cazenau, Clark, Dickson, Durham, Echols, Edwards of San Augustine, Eddy, Erath, Gillett, Gilliam, Gooch, Holland, Irion, Jones, Keenan, McCown, McCulloch, McNeill, Miller, Milican, Muckleroy, Mullins, Noble, Pattillo, Pease, Perkins, Perry, Rose, Russell, Ryburn, Sadler, Savage. Stewart, Swift, Sublett, Truitt and White: 40.

Nays. Messrs. Bourland, Burroughs, Charlton, Cronican, Edwards of Nacogdoches, Mabry, McClarty, McFarland, Ralley, Rayner, Smith of Houston, Smith of Rusk, Williams and Willie: 14.

So the substitute was adopted.

On motion of Mr. Milican, the vote of the House, which adopted the substitute for the ninth section of the bill under consideration, was reconsidered.

Mr. Gray offered the following, as an amendment to the substitute:

"Strike out all, after the words," first day of November."

Amendment rejected.

Question: Shall the substitute, as offered by Mr. Branch, for the ninth section of the bill now under consideration of this House, be adopted?

The yeas and nays were again called, on the adoption of the substitute, and stood as follows:

Yeas. Messrs. Adams, Barry, Branch, Clark, Dickson, Dur-

ham, Echols, Edwards of San Augustine, Eddy, Erath, Gillett, Gilliam, Gooch, Holland, Irion, Jones, Keenan, McCown, McCulloch, McNeill, Miller, Milican, Mullens, Noble, Pattillo, Pease, Perkins, Rose, Russell, Ryburn, Sadler, Savage, Stewart, Swift, Sublett, Truitt and White: 37.

Nays. Messrs. Speaker, Bourland, Burroughs, Cazenau, Charlton, Cronican, Edwards of Nacogdoches, Gray, Mabry, McClarty, McFarland, Muckleroy, Railey, Rayner, Smith of Harris, Smith of Rusk, Tankersly, Williams and Willie: 19.

So the substitute was again adopted.

Mr. Stewart offered the following, as an amendment to the substitute for the ninth section of the bill:

"And shall submit all of his Books, Accounts and Vouchers, and other official documents, in his office, to such committee as may be appointed, by the Legislature, to examine the same."

Amendment adopted.

Mr. Rose, moved to strike out the 12th., 13th., 14th., and 15th., sections of the bill.

Motion lost.

Mr. Gray moved, to amend the third section of the bill as follows:

"That, after such successor shall have been qualified, and upon there being filed, in the office of the Secretary of State, a certificate, signed by the Joint Committee of the Legislature, hereinafter provided for, or a majority of them, that they have examined the accounts of the Treasurer, for the term of his service—that such accounts are fairly and honestly, settled and balanced; and that the balance, belonging to the State, if any there be, in Moneys, Securities or other effects, are actually in the Treasury, or have been handed over to his successor—then the bond aforesaid, given by such Treasurer, and his sureties, shall be subject to limitation; and suit, if found to be expedient, should be commenced, thereon, within four years, after the filing of the Certificate aforesaid, and not thereafter."

The yeas and nays were called, on the adoption of the amendment, and stood as follows:

Yeas. Messrs. Speaker, Adams, Barry, Bourland, Cazenau, Charlton, Cronican, Echols, Edwards of Nacogdoches, Erath, Gray, Gillett, Gilliam, Gooch, Irion, Jones, Keenan, Mabry, McFarland, McNeill, Muckleroy, Mullens, Perkins, Perry, Railey, Rayner, Russell, Savage, Smith of Harris, Tankersly, Truitt, Williams and Willie—33.

Nays. Messrs. Branch, Burroughs, Clark, Dickson, Durham, Edwards of San Augustine, Eddy, Holland, McClarty, McCown,

McCulloch, Miller, Milican, Noble, Pattillo, Pease, Rose, Sadler, Stewart, Smith of Rusk, Swift and White—22.

So the amendment was adopted.

Mr. Durham offered the following, as an amendment, to the amendment just adopted:

Strike out the word "four," before "years," and insert "ten."

Amendment rejected.

Mr. Burroughs moved, to amend the amendment, just adopted, as follows:

Strike out the word "four," before "years," and insert "twenty."

Amendment rejected.

Mr. Dickson moved, to amend the bill as follows:

Strike out of the fifth line, in the first section of the bill, the words "seventy-five," and insert "one hundred."

Amendment adopted.

Mr. Pease offered the following, as an amendment, to come in at the end of the last section of the bill.

"The Treasurer shall, upon the application of any one, or more, of his securities, made to the Governor in writing, be required to give a new bond, within thirty days, after such application; and, upon the failure of the Treasurer, to give such new bond, when required by the Governor, he shall vacate his office; and, upon such new bond being approved, by the Governor, the securities, upon the first bond, shall be discharged from all liabilities, for the future conduct of such Treasurer.

Amendment rejected.

On motion of Mr. Branch, the word "September," was stricken out of the second line, of the twelfth section of the bill, and the "first of October," inserted in the eighth line, of the thirteenth section.

On motion of Mr. Williams, the following section was added to the bill, to come in at the end of the last section:

SECTION SEVENTEENTH. *Be it further enacted*, That this act, shall take effect and be in force, from and after the twentieth of March, instant."

On motion of Mr. Dickson, the word "iron," before "chest," was inserted.

Mr. Mabry moved, that the bill be committed to the committee on the Judiciary.

Motion lost.

Mr. Stewart offered the following, as an additional section to the bill:

"The Treasurer shall keep his office at the Seat of Government. He shall have free access to books, accounts, and papers, in the Comptroller's Office; and the like access to all the other Offices of the State, for the inspection of all such books, accounts and papers, as are connected with his office, or concern the duties thereof."

Amendment rejected.

Mr. Erath moved, that the bill be engrossed,

On motion of Mr. Russell, the bill was laid upon the table until to-morrow.

A message was received from the Senate, informing the House of the passage of the following bills, by that body:

A bill, to be entitled, "An act, creating the County of Leon;"

A bill, to be entitled, "An act, to create the County of Dallas;" and

A bill, to be entitled, "An act, to create the County of Grayson."

On motion, of Mr. McCown, the House adjourned, until to-morrow morning nine o'clock.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, Wednesday, }
March 4th 1846. }

The House met, pursuant to adjournment.

The roll was called, and a quorum being present,

The House proceeded to business.

The Journal of the preceding day, was read and adopted.

Mr. Rayner, from the committee on Claims and Accounts, made the following report:

The committee on Claims and Accounts, to whom was referred the petition of Garret Fitzgerald Jr., praying for land, have instructed me to report the same back to the House, and to recommend its reference to the committee on Public Lands.

Report adopted.

Mr. Stewart, chairman of the committee on Printing, in conjunction with a like committee, on the part of the Senate, made the following report—

The committee on Printing, have contracted with J. Miner, Agent of John G. Chalmers, Printer of the "New Era," in this

City, for the "*Job Printing*" of the Legislature, at this session. They have, also, contracted for the printing of all the Pamphlet work, which may be required, at one-fourth cent per page.

Under this contract, they have contracted for the printing of 1600 copies of the Governor's Message, and Accompanying Documents.

Report read and received, and,

On motion of Mr. Bourland, laid upon the table.

Mr Russell, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills, have examined a bill, to be entitled, "An act, to legitimate a certain child, named Mary, the daughter of Frederick Otto and Caroline Gerichschen," and find the same correctly engrossed.

Report read and accepted.

Mr. Tankersly, from the committee on Finance, made the following report:

To the Speaker of the

House of Representatives:

The committee on Finance, having had under consideration the petition of James Slayman, instruct me to return the same to the House; and to recommend that it be laid upon the table—as the petitioner is praying that exclusive privileges be granted to him, which the constitution forbids; and, as the committee have no disposition to recommend a violation of said instrument, they respectfully submit this report to the consideration of the House.

[Signed]

B. F. TANKERSLY,
Chairman.

Report read and adopted.

Mr. Ryburn offered the following resolution—

"Resolved, by the House of Representatives of the State of Texas, That the Commissioner of the General Land Office, be required to report to this House, to what counties, the School Lands, located in Fannin County, belong; and by what authority, such lands were located and surveyed, in said county."

On motion, the resolution was laid upon the table for one day.

On motion of Mr. Branch, the bill, to be entitled, "An act, defining the duties of State Treasurer," was again taken up.

On motion of Mr. McNeill, the vote, taken on yesterday, adopting the substitute for the third section of the bill under consideration, was reconsidered.

Mr. Tankersly offered the following, as an amendment to the substitute.

Strike out the word "four," and insert "eight."

Amendment adopted.

Mr. Tankersly then moved, that the substitute, as amended, be adopted.

The yeas and nays were called, on the adoption of the substitute, and stood as follows:

Yeas. Messrs. Speaker, Adams, Barry, Bourland, Cazenau, Charlton, Cronican, Edwards of Nacogdoches, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Irion, Jones, Keenan, Mabry, McFarland, Muckleroy, Mullens, Ogden, Perkins, Perry, Rayner, Redgate, Russell, Ryburn, Savage, Stewart, Smith of Harris, Smith of Rusk, Tankersly, Truitt, Williams and Willie.—37.

Nays. Messrs. Branch, Burroughs, Clark, Dickson, Durham, Echols, Edwards of San Augustine, McClarty, McCown, McCulloch, McNeill, Miller, Milican, Noble, Pattillo, Pease, Rose, Sadler, Swift, Sublett and White—21.

Substitute adopted.

Mr. Bourland offered the following, as amendments to the bill.

FIRST. In the second line of the ninth section, after the word "first," strike out the words "day of November," and insert "Monday of December."

SECOND. In section first beginning in the seventh line, after the word "first," strike out "day of," and, in the eighth line, strike out "November," and insert "Monday of December."

Amendments adopted.

Mr. Bourland then offered the following, as a substitute for the last section of the bill.

"Be it further enacted, That this act take effect, and be in force, from and after its passage."

Substitute adopted.

Mr. Stewart offered the following, as a substitute for the fourth section of the bill.

"It shall be the duty of the Treasurer, to receive, upon the deposited warrants of the Comptroller, and safely keep, pay over and deliver, in the manner prescribed in this act, all moneys, securities and other effects, which shall, from time to time, be paid, or received, into the Treasury of the State. He shall, also, safely keep all books, papers, Records and files, belonging or pertaining to his office.

For all moneys, sureties or other effects, received into the

Treasury, he shall execute receipts, in duplicate; one of which shall be, by him, filed with the Comptroller, and one given to the person depositing such moneys or effects.

He shall pay over and deliver, to his successor in office, all moneys, securities, effects and other things, remaining in his hands; and all books, papers, Records and files, belonging to his office."

Substitute rejected.

Mr. Gilliam offered the following, as an amendment to the first section of the bill:

"And such bond, shall not become *void*, on its first or second recovery."

Mr. Branch proposed to amend, Mr. Gilliam's amendment, to the first section of the bill, as follows:

"Which bond, shall not be *void* on the first recovery; but may be sued on, from time to time."

Amendment adopted.

Mr. Tankersly moved the previous question.

Mr. Burroughs moved to lay the bill upon the table.

Motion lost.

Mr. McNeill moved, that the bill be referred to the committee on the Judiciary.

Mr. Burroughs moved, that the House adjourn, until three o'clock P. M.

The yeas and nays were called, on the adoption of Mr. Burroughs' motion, and stood as follows:

Yeas. Messrs. Burroughs, Durham, Echols, Eddy, McClarty, Rayner, Rose, and Smith of Rusk—8.

Nays. Messrs. Speaker, Adams, Barry, Branch, Bourland, Cazenau, Charlton, Clark, Cronican, Dickson, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Irion, Keenan, McCown, McCulloch, McFarland, Miller, Milican, Muckleroy, Mullens, Ogden, Pattillo, Pease, Perkins, Perry, Redgate, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Swift, Sublett, Tankersly, Truitt, White, Williams and Willie—47.

So the motion, to adjourn, was lost.

Question: Shall the sense of the House, on the main question, now be taken?

The yeas and nays were called, on the motion of Mr. Tankersly, for the previous question, and stood as follows:

Yeas. Messrs. Speaker, Barry, Bourland, Charlton, Cronican, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gray, Gillett, Gilliam, Gooch, Mabry, McFarland M.

Muckleroy, Mullens, Pattillo, Perry, Redgate, Ryburn, Sadler, Savage, Smith of Harris, Tankersly, Truitt and Williams—28.

Nays. Messrs. Branch, Burroughs, Cazenau, Clark, Dickson, Durham, Echols, Eddy, Holland, Irion, Jones, Keenan, McClarty, McCown, McCulloch, McNeill, Milican, Noble, Ogden, Pease, Perkins, Rayner, Rose, Russell, Stewart, Smith of Rusk, Swift, Sublett, White and Willie: 30.

So the motion, for the previous question, was lost.

Mr. Rose moved to amend the caption of the bill, as follows:

Insert, after the word "Treasurer," and the committee of the Legislature, hereinafter provided for."

Amendment rejected.

Mr. Branch offered the following, as an amendment, to come in as the 17th section of the bill:

"When a majority of the securities, upon the Treasurer's bond, shall wish to be released from liability for the future conduct of the Treasurer; or when any one, or more, of the securities, upon such bond, shall die, or shall become insolvent, it shall be the duty of such Treasurer, whenever required by the Governor, to give a new bond; and if the Treasurer shall fail to give such new bond, within twenty days, after being notified so to do, by the Governor, his office shall be considered as vacant.

"Whenever such new bond shall have been given, and approved by the Governor, the securities, on the first bond, shall be released from all liability, for the future conduct of such Treasurer.

The Chair decided the proposed amendment out of order; the same, in substance, having before been offered and rejected.

Mr. Branch appealed from the decision of the Chair.

The sense of the House was then taken, in relation to the decision just made by the Chair, and Mr. Branch's amendment was decided to be in order.

Mr. Miller moved, that the House adjourn, until three o'clock p. m. Motion lost.

Mr. Sublett proposed to amend the amendment, offered by Mr. Branch, by striking out the words "any one, or more," and inserting, "a majority."

Amendment adopted.

Question: Shall the amendment, proposed by Mr. Branch, as amended by Mr. Sublett, be adopted.

The yeas and nays were called, on the adoption of the amendment, and stood as follows:

Yeas. Messrs. Speaker, Barry, Branch, Bourland, Cronican, Echols, Edwards of San Augustine, Erath, Gillett, Gilliam, Gooch, Holland, Irion, Mabry, McCulloch, Miller, Muckleroy, Mullens, Noble, Ogden, Pease, Perkins, Rayner, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Rusk, Swift, Sublett, Tankersly, Truitt and White—34.

Nays. Messrs. Adams, Burroughs, Clark, Dickson, Durham, Edwards of Nacogdoches, Gray, Jones, Keenan, McClarty, McCown, McFarland, McNeill, Milican, Pattillo, Perry, Redgate, Rose, Smith of Harris, Williams and Willic—21

So the amendment was adopted.

Mr. Sublett moved, that the bill be engrossed.

Mr. Burroughs moved, that the House adjourn, until three o'clock p. m.

Mr. Durham, moved, that the bill be referred to the committee on Finance.

Mr. Tankersly, moved, that the bill be indefinitely postponed.

Mr. Sublett renewed the motion, for the engrossment of the bill.

Mr. Burroughs moved, that the bill be laid upon the table.

Mr. Durham moved, that the House adjourn, until three o'clock p. m.

Mr. Sublett moved the previous question.

Mr. Burroughs moved, that the bill be laid upon the table, until three o'clock.

Mr. Gray moved, that the Clerk be instructed; to copy the bill and amendments.

Mr. Branch moved, that the sense of the House now be taken, on the engrossment of the bill.

On motion, a call of the House was made.

Mr. Irion moved, that a further call be suspended.

Motion carried.

Question: Shall the bill, now under consideration of the House, be engrossed?

The yeas and nays were called, on the engrossment of the bill, and stood as follows;

Yeas. Messrs. Speaker, Barry, Branch, Bourland, Charlton, Edwards of San Augustine, Eddy, Erath, Gillett, Gilliam, Gooch, Holland, Mabry, McCulloch, Miller, Muckleroy, Mullens, Ogden, Pattillo, Pease, Perkins, Rayner, Russell, Sadler, Savage, Swift, Sublett and Williams—28.

Nays. Messrs. Adams, Burroughs, Cazenau, Clark, Cooke, Cronican, Dickson, Durham, Echols, Edwards of Nacogdoches,

Gray, Hudson, Irion, Jones, Keenan, McCown, McClarty, McFarland, McNeill, Milican, Noble, Perry, Redgate, Rose, Ryburn, Stewart, Smith of Harris, Smith of Rusk, Tankersly, White and Willie—31

So the House refused to engross the bill.

Mr. McClarty moved, that the vote of the House, just taken, on the engrossment of the bill, be reconsidered.

Motion carried.

On motion of Mr. Pease, the House adjourned until three o'clock. P. M.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and, a quorum being present.

The house proceeded to business.

On motion of Mr. Mabry, the vote of the House, taken this morning, on the amendment offered by Mr. Branch, was reconsidered.

On motion of Mr. Gillett, the bill was then referred to a Select Committee.

The Chair appointed Messrs. Gillett, Gray, Burroughs, Clark, Bourland, Rose and Sublett, to constitute said committee.

A bill, to be entitled, "An act, defining the duties of Comptroller of Public Accounts," was taken up, and

Read a first time.

On motion of Mr. Cazenau, the rule of the House, which requires bills to be read on three several days, was suspended.

The bill was then read a second time, by its caption, and,

On motion of Mr. Gray, referred to the Select Committee, just appointed, to act upon the bill, to be entitled, "An act, defining the duties of Treasurer of the State; with instructions, that they make such amendments thereunto, as may be necessary to produce a *Conformity*, between the provisions of the two bills.

A bill, to be entitled, "An act regulating the proceedings, against persons, accountable for Public Moneys," was taken up, and

Read a second time.

On motion, the bill was referred to the Select Committee, just appointed.

Mr. Ogden, by leave, introduced a bill, to be entitled, "An act, to create the County of Comal."

Mr. Ogden also introduced a bill, to be entitled, "An act, to establish the County Seat, of the County of Comal."

Bill read a first time.

On motion of Mr. Cazenau, the House then proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled, "An act, regulating and defining the Salaries, of Executive and Judicial Officers, of the State of Texas," was taken up, and

Read a first time.

A bill, (from the Senate,) to be entitled, "An act, to postpone the holding in the District Courts, of the several Judicial Districts," was taken up, and

Read a second time.

A bill, to be entitled, "An act, defining the duties, of the Attorney General, of the State of Texas," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, to exclude from Office, those who shall, hereafter, be convicted of Treason, against this State or against the United States, Bribery, Perjury, Forgery, Robbery, Larceny, or Burglary," was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill, to be entitled, "an act to carry into effect the 22d. section, of the 7th article of the Constitution of the State of Texas," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, to repeal an act, to provide for the friendly intercourse with Indians," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on State Affairs.

A bill, to be entitled, "An act, defining the Duties of District Attorneys" was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, requiring elections to be holden throughout the State," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A "Joint Resolution, for amending the Constitution," was taken up, and

Read a second time.

On motion of Mr. Gillett, the bill was laid upon the table.

A bill, to be entitled, "An act, for the relief of the Assignees of Land Certificates," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Public Lands.

Mr. Durham, by leave, introduced a bill, to be entitled, "An act, to provide for the loss of Duplicate Land Warrants."

Bill read a first time.

On motion, of Mr. McClarty, the House adjourned, until to-morrow morning nine o'clock.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, }
Thursday, March 5th, 1846. }

The House met, pursuant to adjournment.

The roll was called, and, a quorum being present ;

The House proceeded to business.

The journal of the preceding day, was read and adopted.

Mr. Irion presented the petition of John Gray, Attorney, in fact, for Isaac Guyman, praying for land.

On motion, the petition was referred to the committee on Public Lands.

Mr. McClarty presented the petition of Archibald Rell, praying for the privilege of peddling, in certain counties, without License.

On motion, the petition was referred to the committee on Finance.

Mr. Irion, Chairman of the committee on County Boundaries, made the following report :

COMMITTEE ROOM }
March 5th 1846. }

*To the Honorable, John Brown,
Speaker pro tem. of the House of Representatives:*

The committee on County Boundaries, to whom was referred the sundry petitions and bills, asking for the creation and establishment of new counties, have had the following bills under consideration, and beg leave to report, and to recommend their passage by the House :

A bill, to be entitled, "An act, to create a new county, out of part of the counties of Gonzales, Victoria and Goliad, to be called the county of De Witt."

A bill, to be entitled, "An act, to create a new county, out of part of the counties of Gonzales and Bexar, to be called, the county of Guadalupe."

A bill, to be entitled, "An act, to create and organize, the county of Panola," and

A bill, to be entitled, "An act, to organize the county of Anderson."

The committee have, also, had under consideration a bill, to be entitled, "An act, to establish the county of Tyler," and, after due investigation, beg leave to introduce a substitute for said bill—defining more clearly the boundaries of said county—to be entitled, "An act, to create and organize the county of Tyler," and recommend the passage of the substitute for said bill.

The committee have, also, considered a bill, to be entitled, "An act, to establish the county of Burleson," and have made amendments, which are thereto appended, and recommend the passage of the bill, as amended.

A bill to be entitled, "An act, providing the mode of establishing county seats, for new counties," has also been under consideration ; and the committee, believing the provisions contained in said bill to be arbitrary, and that they would prove detrimental to the interest, the good, and the convenience, of the citizens of many counties, have instructed me to report the same back to the House, and to recommend its rejection.

All of which, is most respectfully submitted.

[Signed]

VAN IRION,
Chairman.

Report and bills received and laid upon the table, to come up in their regular order.

The substitute for a bill, to be entitled, "An act, to organize the county of Tyler, was taken up, and

Read a first time.

A bill, to be entitled, "An act, to organize the county of Anderson," was taken up, and

Read a first time.

A bill, to be entitled, "An act, to create and organize the county of Panola," was taken up, and

Read a first time.

Mr. Perkins introduced a bill, to be entitled, "An act, to define the boundaries of the county of Brazoria."

Bill read a first time.

Mr. Mullens introduced a bill, to be entitled, "An act, for the relief of James Morrow."

Bill read a first time.

Mr. Rayner introduced a bill, to be entitled, "An act, to change the boundary line of Fort Bend county."

Bill read a first time.

The Select committee, to whom was referred the bill, to be entitled, "An act, defining the duties of State Treasurer," reported, through their chairman, Mr. Gillett, a substitute for the original bill, and recommended the passage of the same.

Report, bill and substitute received, and laid upon the table, to come up in their regular order.

Mr. Gooch introduced a bill, to be entitled, "An act, to raise a public revenue, by direct taxation."

Bill read a first time.

Mr. Russell introduced a bill, to be entitled, "An act, prescribing the mode of organizing the House of Representatives.

Bill read a first time.

A message was received from the Senate, informing the House of the passage of a bill, to be entitled, "An act, to define the boundary of Fannin county."

Mr. Edwards of Nacogdoches introduced a bill, to be entitled, "An act, to incorporate the Angelina Navigation company."

Bill read a first time.

On motion of Mr. Bourland, the bill, to be entitled, "An act, defining the duties of State Treasurer," and the substitute, offered by the Select committee, for said bill; were taken up, and

The substitute was read and adopted.

On motion of Mr. Durham, the bill was ordered to be Engrossed.

Mr. Holland introduced a bill, to be entitled, "An act, to legalize the marriage of Samuel M. Parry, with Elizabeth Neise; and legitimating certain children, therein named, the issue of said marriage."

Bill read a first time.

Mr. Holland also introduced a bill, to be entitled, "An act, to secure to Elizabeth Parry, all property, which she had, at the time of marriage,"

Which was read a first time.

Mr. Ryburn introduced a bill, to be entitled, "An act, to make an appropriation for a certain company of Rangers, raised by Lieutenant John McGarrah, and retained on the frontier of Fannin county, by order of the President of the Republic of Texas."

Bill read a first time.

Mr. Tankersly offered the following resolution :

Resolved, That, by and with the consent of the Senate, the two Houses of the Legislature, of the State of Texas, will stand adjourned, *sine die*, on the first day of April next; and that this act, take effect, from and after its passage."

Resolution laid upon the table, one day.

Mr. Muckleroy, offered the following resolution:

Resolved, That the committee on State Affairs, be instructed to enquire into the expediency of establishing a standard of weights and measures, for the State, and report thereon, by bill or otherwise.

Resolution adopted.

On motion of Mr. Cazenau, Mr. Redgate was added to the committee on Claims and Accounts, and on State Affairs.

On motion of Mr. Russell, Mr. Gilliam was added to the committee on the Judiciary.

On motion of Mr. McCulloch, Mr. Jones was added to the committee on the Militia, and on County Boundaries.

On motion of Mr. Smith, Mr. Echols was added to the committee on the Militia.

On motion of Mr. Tankersly, Mr. Perry was added to the committee on Public Lands.

On motion of Mr. Branch, Mr. Stewart was added to the committee on Public Lands.

A bill, to be entitled, "An act, to provide for the methodical transfer, of the affairs of the Republic of Texas to the State of Texas," was taken up; and Read a second time.

On motion, the bill was passed to a third reading.

Mr. Erath moved that the bill be referred to a Special committee.

Motion lost.

Mr. Tankersly moved that the bill be laid upon the table.

Motion lost.

Mr. Gray offered the following, as an amendment to the bill: After the word "authorized," insert the words, "as the agents of the State of Texas."

Amendment adopted.

Mr. Branch then moved, that the bill be laid upon the table, until Monday week.

The yeas and nays were called, on the adoption of Mr. Branch's motion, and stood as follows:

Yeas. Messrs. Barry, Branch, Charlton, Gilliam, Miller, Pease and Tankersly—7.

Nays. Messrs. Speaker, Adams, Bourland, Burroughs, Cagnau, Clark, Cronican, Dickson, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gooch, Holland, Irion, Jones, Keenan, Mabry, McClarty, McCown, McCulloch, McFarland, McNeill, Milican, Muckle-roy, Mullens, Noble, Pattillo, Perkins, Perry, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Truitt, White, Williams and Willie—52.

So the motion was lost.

Mr. Erath introduced a bill, to be entitled, "An act, to provide for closing the business of the War Department."

Bill read a first time.

Mr. Burroughs, chairman of the committee on Enrolled bills, made the following report:

The committee on Enrolled bills, have examined, "An act, to provide for the election of Representatives, to the Congress of the United States," and find the same correctly Enrolled; and, having been signed by the Speaker of the House of Representatives, and the President of the Senate, said act was, on the twenty-eighth day of February, last, presented to his Excellency, the Governor, for his approval.

[Signed]

JAMES M. BURROUGHS,

Chairman.

Report read and accepted.

Mr. Holland introduced a bill, to be entitled, "An act, to define the return term of the District Court."

Bill read a first time.

On motion, the House proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled, "An act, to legitimate a certain child, therein named, was taken up,

Read a third time and passed.

A bill, to be entitled, "An act, to postpone the holding of the District Courts, in the several Judicial Districts," was taken up,

Read a third time and passed.

A bill, to be entitled, "An act, to create the county of Dallas," was taken up, and

Read a first time.

A bill, to be entitled, "An act, to provide for the loss of duplicate Land Warrants, Land Scrip, Head Right Certificates, and conditional and unconditional Certificates, which were issued conformably to law," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Public Lands.

A bill, to be entitled, "An act, to establish the county seat of Comal county," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on County Boundaries.

A bill, to be entitled, "An act, to create the county of Comal," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on County Boundaries.

A bill, to be entitled, "An act, to create the county of Leon," was taken up, and

Read a first time.

A bill, to be entitled, "An act, to create the county of Grayson," was taken up, and

Read a first time.

On motion of Mr. Irion, the House adjourned until three o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The roll was called, and, a quorum being present,

The House proceeded to business.

Mr. Gillett made the following report :

The Select committee, to whom was referred, a bill to be entitled, "An act, defining the duties of the Comptroller of Public Accounts, of the State of Texas," have instructed me to report the accompanying substitute for the original bill.

Report received.

The substitute for the bill, to be entitled, "An act, defining the duties of the Comptroller of Public Accounts, of the State of Texas," was then

Read and adopted.

On motion of Mr. Mabry, the bill was ordered to be engrossed.

Mr. Smith of Rusk, introduced a bill, to be entitled, "An act, regulating roads, bridges, ferries," &c.

Bill read a first time.

Mr. Russell, Chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills, have examined a bill, to be entitled, "An act, to exclude from office, those who shall, hereafter, be convicted of treason against this State, or against the United States, Bribery, Perjury, Forgery, Robbery, Larceny or Burglary," and find the same correctly engrossed.

Report read and accepted.

Mr. Noble offered the following resolution :

Resolved, That the committee on the Land Office, be instructed to take into consideration, the twelfth article of the Constitution, and enquire into the expediency of establishing one, or more, subordinate Land Offices, in this State; and that they report to this House, such bill or bills, as they may think appropriate, on said article.

Resolution read and adopted.

On motion of Mr. Muckleroy, Mr. Edwards of Nacogdoches, was added to the committee on the Land Office and the committee on Internal Improvements.

On motion of Mr. McClarty, Mr. Smith of Rusk, was added to the committee on the Land Office.

On motion of Mr. Dickson, the House adjourned, until tomorrow morning, ten o'clock.

HOUSE OF REPRESENTATIVES,
CITY OF AUSTIN.
Friday, March 6th, 1846. }

The House met, pursuant to adjournment.

The roll was called, and a quorum being present,

The House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Gray, Chairman, of the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred a bill, to be entitled, "An act, defining the duties of the Attorney General of the State of Texas," have duly considered the same, and have instructed me to report the enclosed substitute therefor, having the same title and retaining the main features of the original bill, and to recommend its passage.

[Signed]

P. W. GRAY.

Chairman.

Report, bill and substitute received, and laid upon the table, to come up in their regular order.

Mr. Irion, chairman of the committee on County Boundaries, made the following report:

COMMITTEE ROOM,
March 6th, 1846. }

To the Honorable John Brown,

Speaker pro tem. of the House of Representatives:

The committee on County Boundaries, have had the following bills under consideration; and have instructed me to report them back to the House, and to recommend their passage:

A bill, to be entitled, "An act, to create the County of La Vacca."

A bill, to be entitled, "An act, to provide for fixing the seat of justice, of Austin county;" and

A bill, to be entitled, "An act, to enable the County Surveyor, of the county of Rusk, to make a complete map of said county," to which bill amendments have been made, which are there-to appended, and the bill, as amended, is recommended to the House, for adoption.

The committee have, also, had before them, a resolution, staying and postponing all action, for fifteen days, upon any bill

or petition, introduced into the House, relative to the alteration, or division, of the counties of Colorado, Matagorda and Austin," and they have instructed me to report it back to the House; and to say, that they deem such a resolution unnecessary. That it would retard the progress of business, and cause a delay that might defeat bills, which would prove of much advantage to the citizens of said counties.

[Signed]

VAN IRION,
Chairman.

Report, bills and resolution received, and laid upon the table, to come up in their regular order.

Mr Russell, chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills, have examined the following bills, and find the same correctly engrossed:

A bill, to be entitled, "An act, defining the duties of State Treasurer."

A bill, to be entitled, "An act, defining the duties of Comptroller of Public Accounts;" and

A bill, to be entitled, "An act, to secure to the State of Texas, the Customs revenue, received or accrued, under the laws of the Republic of Texas."

Report read and accepted.

Mr. Russell introduced a bill, to be entitled, "An act, giving concurrent jurisdiction, to the District and inferior Courts, in certain cases."

Bill read a first time.

Mr. Smith of Rusk, introduced a bill, to be entitled, "An act, authorizing the Governor of the State of Texas, to procure, for the use of the State, copies of the ——— of the present and subsequent sessions, of the Congress of the United States.

Bill read a first time.

Mr. Miller introduced a bill, to be entitled, "An act, to provide for the revision of the Laws of Texas."

Bill read a first time.

Mr. Keenan introduced a bill, to be entitled, "An act, to restrain Clerks and other officers, from collecting unlawful costs."

Bill read a first time.

Mr. Keenan also introduced a bill, to be entitled, "An act, regulating appeals, injunctions and supersedeas,"

Which was read a first time.

Mr. Eddy introduced a bill, to be entitled, "An act, to pro-

tect religious denominations, whilst holding public and protracted meetings."

Bill read a first time.

Mr. Russell introduced a bill, to be entitled, "An act, to enable the Governor to fill certain vacancies of office, that may hereafter occur."

Bill read a first time.

Mr. McFarland introduced a bill, to be entitled, "An act, to incorporate the town of Bonham, in Fannin county.

Bill read a first time.

Mr. Gilliam introduced a bill, to be entitled, "An act, to define stays, in Justices' Courts."

Bill read a first time.

On motion of Mr. Mabry, the House proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled, "An act, to promote the methodical transfer of the principal affairs of the Republic of Texas, to the proper authorities of the State of Texas," was taken up, and

Read a third time.

On motion of Mr. Sadler, the bill was laid upon the table.

A bill, to be entitled, "An act, providing the mode of establishing county seats, of new counties," was taken up, and

Read a third time.

On motion of Mr. Bourland, the bill was laid upon the table.

A bill, to be entitled, "An act, to create the county of Burleson," was taken up, on its third reading

The following amendments to the bill, reported by the committee to whom it had been referred, were read and adopted:

Amendment first: Add to the fourth section of the bill, the following:

"And all debts, due to the county of Milam, for town property, in the town of Caldwell, shall be payable to the county of Burleson."

Amendment second: Add the following, as an additional section, to the bill:

SECTION FIFTH, *Be it further enacted,* That the county Surveyors, of Milam and Burleson counties, conjointly, run the line, as designated by this act, between the counties of Burleson and Milam; each to be paid by his respective county, at the rates now fixed by law.

Mr. Erath then moved, that the bill be engrossed.

Mr. Rose moved, to re-commit the bill to the committee on the Land office.

On motion of Mr. Erath, the bill was referred to a Select committee.

The Speaker appointed Messrs. Erath, Gray, Sublett, Pease and Rose, to constitute said committee.

A bill, to be entitled, "An act, to create the county of De Witt," was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, to create the county of Guadalupe," was taken up, on its second reading.

Mr. Swift offered the following, as an amendment to the bill:

"To the south west corner of a survey made for J. A. Musgrove, fronting on said old road. Thence, running north, fifty degrees west, two thousand five hundred varas. Thence running south, seventy-five degrees west, to the river Guadalupe.— Thence, down the river Guadalupe, with its meanders, to the lower corner, number twenty-one, in class number five, made for the heirs of Thompson. Thence, with the lower line of said survey, south, sixty-five degrees west, to its south-west corner. Thence, running to a point, on the river Cibolo, where the lower line of a survey of one league, [number one hundred and fourteen,] made for V. Mechelli, crosses said river Cibolo."

Amendment adopted.

On motion, the bill was then ordered to be engrossed.

The substitute for the bill, to be entitled, "An act, to create the county of Tyler," was taken up, on its second reading.

On motion of Mr. Charlton, the bill was referred to the Select committee, to whom was referred a bill, to be entitled, "An act, to create the county of Burleson."

A bill, to be entitled, "An act, to secure to Elizabeth Parry, all property, which she had, at the time of marriage with Samuel M. Parry, and all which she may have acquired since, by gift, devise or descent," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, to legalize the marriage of Samuel M. Parry with Elizabeth Neise, and to legitimate certain children, therein named; the issue of said marriage," was taken up, and Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill to be entitled, "An act, to incorporate the Angelina Navigation company," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Internal Improvements.

A bill to be entitled, "An act, to provide for closing the business of the War Department was taken up, and

Read a second time.

On motion, the bill was referred to the committee on State Affairs.

A bill, to be entitled, "An act, to define the return term of the District Court," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A message was received from the Senate, informing the House of the passage of

A bill, to be entitled, "An act, prescribing and defining the time, at which all laws, that may be hereafter enacted, shall go into effect:" and

A bill to be entitled, "An act, to create the county of Hopkins."

The resolution, introduced on yesterday, fixing the adjournment of the Legislature on the first day of April, was taken up, and read.

On motion of Mr. Gillett, the resolution was laid upon the table.

A bill, to be entitled, "An act, to change the boundary line of Fort Bend county," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on County Boundaries.

A bill, to be entitled, "An act, to make an appropriation, to pay a company of Rangers, raised by Lieutenant John McGarrah, and retained on the frontier of Fannin county, by order of the President of the Republic of Texas," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Claims and Accounts.

A bill, to be entitled, "An act, to better define the boundary line of Fannin county," was taken up, and

Read a first time.

On motion of Mr. Bourland, the substitute for the bill, to be entitled, "An act, defining the duties of State Treasurer," was taken up,

Read a third time and passed.

On motion of Mr. Bourland, the substitute for the bill, to be entitled, "An act, defining the duties of Comptroller of Public Accounts," was also taken up,

Read a third time and passed.

A bill, to be entitled, "An act, prescribing the mode of organizing the House of Representatives," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on State Affairs.

On motion of Mr. Dickson, the House then adjourned, until three o'clock, P. M.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and, a quorum being present:

The house proceeded to business.

Mr. Pease introduced a joint resolution, for the relief of R. E. B. Baylor.

Joint resolution read a first time.

Mr. Pease also introduced a "joint resolution, for the relief of the Hon. Edward T. Branch,"

Which was read a first time

Mr. McCulloch introduced a bill, to be entitled, "An act, to locate the county seat of De Witt county."

Bill read a first time.

Mr. Stewart introduced a bill, to be entitled, "An act, confirming the seals of the General Land Office."

Bill read a first time.

Mr. Clark offered the following resolution:

Resolved, That the committee on Public Buildings, be instructed to enquire, and report to the House, how many of the buildings in this city, built for the Republic of Texas, are necessary for the purposes of the State; and if, upon such enquiry, it be found that there are more than are necessary, for the use of the State, that said committee, be further instructed,

to ascertain and report, whether it would not be for the advantage of the State, to dispose immediately, of all that are not wanting.

Which resolution was adopted.

Mr. Gray, chairman of the committee on the Judiciary, made the following report:

COMMITTEE ROOM,
March 6th, 1846. }

*To the Honorable, the Speaker of the
House of Representatives:*

The committee on the Judiciary, to whom was referred a bill, to be entitled, "An act, defining the duties of District Attorneys," have had the same under consideration, and have instructed me to report the enclosed substitute therefor, which contains the main features of the original bill, with some additions, and to recommend its passage.

[Signed]

P. W. GRAY,
Chairman.

Report, bill and substitute received and laid upon the table, to come up in their regular order.

On motion, the House proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled, "An act, to exclude from office, those who shall; hereafter, be convicted of Treason, against this State, or against the United States, Bribery, Perjury, Forgery, Robbery, Larceny or Burglary," was taken up,

Read a third time and passed.

A bill, to be entitled, "An act, to create the county of Grayson," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on County Boundaries.

A bill, to be entitled, "An act, to create the county of Leon," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on County Boundaries.

A bill, to be entitled, "An act, to create the county of Dallas," was taken up, and read a second time.

On motion, the bill was referred to the committee on County Boundaries.

A bill to be entitled, "An act, to raise a revenue by direct taxation," was taken up, and read a second time, by its caption.

On motion, the bill was referred to the committee on Finance.

A bill, to be entitled, "An act, to create and organize the county of Panola," was taken up, and

Read a second time.

Mr. Holland moved, to fill the blank, in the third section of the bill, as follows:

"James Row, Parson Herron, Dickson James, A. Pew, Richard Golden and James Williams."

Mr. Clark moved, to amend the amendment, just offered, as follows:

"Unless, at said election, some town or village, now in existence in said county, be selected as the county seat."

Amendment adopted.

The sense of the House was taken, on the adoption of the amendment, as amended, and

~~The~~ amendment was adopted.

Mr. McCown offered the following, as a substitute for the first section of the bill:

SECTION FIRST. *Be it enacted, by the Legislature of the State of Texas,* That all of the territory, comprised within the following limits, to wit:

Beginning at the twenty-seventh mile post, on the line dividing the State of Texas from the State of Louisiana. Thence, in a direct line, to the mouth of eight-mile creek, on the Sabine river. Thence, across and up said river, with its meanders, to the Trammel Trace. Thence, with said Trace, to where it crosses the west boundary line, of J. W. Adams' league of land. Thence, in a direct line, to the old line that divided Harrison from Shelby county, before the passage of an "Act, to alter and establish the eastern boundary line of Rusk county, and for other purposes," approved, December the thirty-first, eighteen hundred and forty-four. Thence, with the line dividing the county of Harrison and Shelby, to the line dividing the States of Texas and Louisiana. Thence, with said line, to the point of beginning; be, and the same is hereby, made a new county, by the name of Panola.

Which substitute was read and adopted.

Mr. Gray offered the following, as an amendment to the bill: Insert, after the word "representation," the following: "Except, also, the right of electing a separate County Surveyor and being a separate Land District."

Amendment read and adopted.

On motion of Mr. Clark, the bill was then ordered to be engrossed.

A bill, to be entitled, "An act, to define the boundaries of the county of Brazoria," was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, organizing the county of Anderson," was taken up, and

Read a second time.

Mr. White offered the following as an amendment to the bill.

"Except, as to right of separate Representation, until entitled by numbers."

Mr. Sadler offered the following, as an amendment to the amendment, just proposed:

"Except the right of electing a separate County Surveyor and the right of having a separate Land District."

Which amendment was adopted.

Question: Shall the amendment, to the bill now under consideration of the House, as amended, be adopted?

The House decided in the affirmative.

On motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, for the relief of James Morrow," was taken up, and

Read a second time.

On motion, the bill and the accompanying documents, were referred to the committee on Claims and Accounts.

A bill, to be entitled, "An act, regulating roads, bridges, ferries, &c.," was taken up; and read a second time, by its caption.

On motion, the bill was referred to a Select committee.

The Speaker appointed Messrs. Smith of Rusk, Stewart, Mullens, Holland and Gooch, to constitute said committee.

Mr. Brown presented the accounts of Walter Murray, which were referred to the committee on Claims and Accounts.

On motion of Mr. Ryburn, the resolution, calling on the Commissioner of the General Land Office, for certain information, was taken up, and adopted.

Mr. McCown moved, that the House adjourn, until to-morrow morning, nine o'clock. Motion lost.

Mr. Charlton moved, that the House adjourn, until Monday morning, nine o'clock.

Motion lost.

A bill, to be entitled, "An act, to secure to the State, the Customs revenue, received or incurred, under the laws of the Republic of Texas," was taken up,

Read a third time and passed.

On motion of Mr. Gillett, the House then adjourned, until Monday morning, nine o'clock.

• HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, MONDAY, }
March, 9th, 1846. }

The House met, pursuant to adjournment.

The roll was called, and, a quorum being present:

The House proceeded to business.

The Journal of Friday, the 6th instant, was read and adopted.

The Honorable, the Speaker *pro tem*, tendered to the House of Representatives, his resignation.

Mr. Branch moved, that the consideration of the resignation, just offered by the Honorable Speaker, *pro tem*., be postponed, until three o'clock, p. m.

The yeas and nays were called, on the adoption of the motion, just made by Mr. Branch, and stood as follows:

Yeas. Messrs, Adams, Barry, Branch, Cazenau, Charlton, Gilliam, Gooch, Holland, Hudson, Jones, McCulloch, McNeill, Miller, Muckleroy, Noble, Ogden, Pattillo, Pease, Perkins, Rayner, Redgate, Rose, Russell, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Swift, Truitt and White—31.

Nays. Messrs. Burroughs, Clark, Cronican, Dickson, Durham, Echols, Edwards of Nacogdoches, Edwards, of San Augustine, Eddy, Erath, Gray, Gillett, Irion, Keenan, McClarty, McCown, McFarland, Mullens, Perry, Ryburn, Sadler, Savage, Sublett, Tankersly, Williams and Willie—27.

So the motion was carried.

Mr. Swift moved, that the House adjourn, until three o'clock p. m.

The yeas and nays were called, on the adoption of Mr. Swift's motion to adjourn, and stood as follows:

Yeas. Messrs. Speaker, Hudson, Jones, McCulloch, McNeill, Miller, Muckleroy, Pease, Perkins, Smith of Rusk and Swift, —11.

Nays. Messrs. Adams, Barry Branch, Burroughs, Cazenau Charlton, Clark, Cronican, Dickson, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Irion, Keenan, Mabry, McClarty, McCown McFarland, Milican, Mullens, Noble, Pattillo, Perry, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Stevenson, Stewart, Smith of Harris, Sublett, Tankersly, Truitt, White, Williams and Willie—47.

So the motion was lost.

On motion of Mr. Stewart, the House proceeded, regularly, to business,

Mr. Keenan presented a memorial, from a portion of the citizens of Montgomery and Liberty Counties—praying for the establishment of a new county, to be called the County of Polk.

Which memorial was read, and

On motion referred to the committee on County Boundaries.

The committee on the Judiciary, to whom was referred a bill, to be entitled, "An act, to amend the registrative laws," reported, through their Chairman, Mr. Gray, the bill back to the House, with amendments, and recommended its passage, as amended.

Report, bill and amendments received, and laid upon the table, to come up in their regular order.

Mr. Irion, Chairman of the committee on County Boundaries, made the following report:

Honorable John Brown,

Speaker of the

House of Representatives:

A bill, to be entitled, "An act, to create the county of Comal," has been investigated by the committee on County Boundaries. A substitute for said bill, is herewith reported, and its adoption recommended.

A bill, to be entitled, "An act, to establish the county seat, of the county of Comal," is also, recommended for adoption.

The committee have, also, examined a bill from the Senate, to be entitled, "An act, creating the County of Dallas," and believing that the second section of said act, contains provisions in violation of, and contrary to the spirit and meaning of the 34th section, of the article 17th of the Constitution, in making a part of the old County of Nacogdoches vote with Robertson County, in all elections, before entitled to separate representation, by numbers; and believing too, that the counties, as they now stand, should remain as separate Land Districts, they ask leave to report a substitute for said section—thereto appended and recommend said bill, as amended, to the favorable consideration of the House.

[Signed]

VAN IRION,
Chairman.

Report, bill and amendment received, and laid upon the table, to come up, in their regular order.

Mr. Rayner, Chairman of the committee on Claims and Accounts, made the following report:

Honorable John Brown,

Speaker, of the

House of Representatives:

The committee on Claims and Accounts, to whom was referred that portion of the Governor's Message, relating to the Public Debt of Texas, have instructed me to report the same back to the House, and to ask to be discharged from the further consideration of the subject, and that the same be referred to the committee on State Affairs.

[Signed]

WM. S. RAYNER,
Chairman.

Report received.

The Select Committee, to whom was referred a bill, to be entitled, "An act, to provide for a *viva voce* vote, in all elections," have had the same under consideration, and through their Chairman, Mr. Rose, reported a substitute for said bill, and respectfully recommended its adoption, and passage by the House.

Report, bill and substitute received, and laid upon the table, to come up in their regular order.

Mr. Perkins introduced a bill, to be entitled, "An act, to make an appropriation, for the contingent expenses of both Houses of the Legislature."

Bill read a first time.

Mr. Miller introduced a bill, to be entitled, "An act, for the protection of the Christian Sabbath."

Bill read a first time.

Mr. Stewart introduced a bill, to be entitled, "An act, declaratory of the office, duties and powers, of Notaries Public."

Bill read a first time.

Mr. Pease introduced a bill, to be entitled, "An act, for the relief of the Honorable John Hemphill."

Bill read a first time.

Mr. Rose introduced a bill, to be entitled, "An act, to raise a revenue by taxation."

Bill read a first time.

Mr. Rose also introduced a bill, to be entitled, "An act, to exempt \$250 worth of the household furniture, or other property, of each Family of this State, from taxation."

Which bill was read a first time.

Mr. Swift introduced a bill, to be entitled, "An act, to locate the seat of Justice, of Guadalupe County."

Bill read a first time.

On motion of Mr. Brown, the House adjourned, until three o'clock p. m.

THREE O'CLOCK P. M.

The House met, pursuant to adjournment.

The roll was called, and a quorum being present,

The House proceeded to business.

On motion of Mr. Clark, the following resignation, tendered by the Honorable John Brown, Speaker *pro tem.* of the House of Representatives, was accepted:

HOUSE OF REPRESENTATIVES
March the 9th, 1846. }

To the Honorable,

*Members of the House of Representatives
of the Legislature of the State of Texas:*

Circumstances having transpired, which render it necessary that I should resign my position, as Speaker of your body; and I beg leave to be excused from a further discharge of that duty.

I adopt this course, as I fear that *any other*, would be productive of *errors*, for which we might be left without *remedy*.

[Signed]

JOHN BROWN.

Mr. Sublett then moved that the House go into an election of a Speaker *pro tem*.

On motion of Mr. Swift, the motion of Mr. Sublett was amended, by striking out the words "*pro tem*."

Mr. Gray offered the following Preamble and Resolution:

Whereas, On the ——— day of ——— the House of Representatives, by request, granted leave of absence to the Hon. Wm. E. Crump, then a member, and the Speaker of the House; and,

Whereas, On the same day, the House proceeded to elect a Speaker, *pro tem*. when the Hon. John Brown was elected; and,

Whereas, Difficulties have arisen, in consequence of the action of this House, in the premises, which was hasty and premature; and,

Whereas, On reconsideration of the matter, the House is advised, and believes, that the office of Speaker was *vacated*, by the action of this House, in granting the leave of absence; and that the election of the Hon. John Brown, constituted him *Speaker* of the House; and,

Whereas, The said office is now vacant, by resignation of the Hon. John Brown; therefore

Resolved, That the House, not intending to injure the feelings, and without any *personal* view, whatever, do now proceed to elect a Speaker, in place of the Hon. John Brown, resigned.

The yeas and nays were called, on the adoption of the Preamble and Resolution, and stood as follows:

Yeas. Messrs. Adams, Barry, Branch, Bourland, Brown, Burroughs, Cazenau, Clark, Cronican, Dickson, Durham, Echols, Edwards of San Augustine, Eddy, Erath, Gray, Holland, Jones, McCown, McFarland, Miller, Muckleroy, Mullens, Noble, Ogden, Pattillo, Perry, Sadler, Savage, Smith of Rusk and Swift,—33.

Nays. Messrs. Gilliam, Gooch, Hudson, Irion, Keenan, Mabry, McClarty, McCulloch, McNeill, Milican, Pease, Perkins, Railey, Rayner, Redgate, Rose, Russell, Ryburn, Stewart, Smith of Harris, Sublett, Tankersly, Truitt, White Williams and Willie—26.

So the Preamble and Resolution were adopted.

On motion of Mr. Durham, the House proceeded to the election of a Speaker.

Mr. Miller nominated Mr. Branch.

Mr. Durham nominated Mr. Clark.

Messrs. Perkins, Ogden and Swift, were appointed *tellers* and,

The House proceeded to vote, by ballot.

On counting out the votes, it appeared that

Mr. Branch received	31 votes;
“ Clark “	21 “ and
“ Blank “	1 “

Mr. Branch, having received a majority of all the votes, was declared, duly and constitutionally, elected Speaker of the House of Representatives, of the Legislature of the State of Texas.

Messrs. Miller and Perkins were appointed to wait upon the Speaker elect, and conduct him to the Chair.

The said committee then proceeded to perform the duty assigned them.

Whereupon, the Speaker, elect, arose and delivered the following address:

Gentlemen of the

House of Representatives :

The duties of the station to which your partiality has called me, places me, certainly, in no enviable position: I am called upon, Gentlemen, by a vote of this House, to fill an office which, in the opinion of many, is already *occupied* by another. No member of this House, regrets more sincerely than I do, the *necessity* which has occurred, at this time, of electing another Speaker. A majority of the House, however, after mature consideration, have thought it necessary. In whatever embarrassments I may find myself placed, by this diversity of opinion, I do not feel the less *grateful*, for the honor you have been pleased to confer upon me—An honor the more esteemed, coming, as it does, from those with whom I have been, for some time associated.

All I can promise, in return for your confidence, is, by a strict attention to the rules which you have adopted for your government, and an application of them to the business of the House, to endeavor, in some measure, to deserve it.

The House again proceeded to business.

The minority of the Special Committee, to whom was referred a bill, to be entitled, "An act, providing for a *viva voce* vote, in all elections," made the following report:

COMMITTEE ROOM }
March 9th 1846. }

To the Honorable,

the Speaker of the House of Representatives:

The undersigned, members of the committee, to whom was referred a bill, to be entitled, "An act, providing for a *viva voce* vote, in all elections," beg leave to dissent from the report, made this morning in obedience to the directions of a majority of said committee.

They would here enter, at length, into the reasons which induce them to oppose the change contemplated, were it not, that they are *prevented* by the *position* which the bill now occupies, in the business of the House. They regard the question, as one of much importance; and submit, whether, it would be proper to make the *alteration* proposed, *without consulting the public wish*, relative thereto.

Believing that changes, so *material* as they conceive this to be, should not be made, without knowing the state of public opinion; and viewing the system, sought to be adopted, as infinitely *worse* than the present one, they respectfully object to its adoption.

[Signed]

JOHN W. ROSE
E. CLARK.

Report read and received and laid upon the table, to come up in their regular order.

The committee on the Judiciary, to whom was referred several bills, petitions &c., made the following report:

COMMITTEE ROOM }
March 7th 1846. }

To the Honorable

Speaker of the House of Representatives:

The committee on the Judiciary, have considered the petitions, of James Slayman and Loring R. Henderson, which were referred to them; and instruct me to report, that while they sympathise with the petitioners in their misfortunes, they

are bound, by the constitution, to recommend that the relief asked, be refused; as the petitioners pray for the grant of an *exclusive* privilege.

The committee have, also, considered the following bills—viz:

A bill, to be entitled, “An act, to secure to Elizabeth Parry, all property which she had at the time of Marriage with Samuel M. Parry &c.;”

A bill, to be entitled, “An act, to define the return term of District Courts;” and

A bill, to be entitled, “An act, to suppress secret gaming, and to increase the revenue of the State, by a license tax, on certain games.”

I am instructed to report unfavorably on said bills, and to recommend that they be indefinitely postponed.

The committee have, also, considered a bill, to be entitled, “An act, to re-organize San Patricio County;” and

A bill, to be entitled, “An act, to prescribe to the mode of electing District Attorneys, fixing the term of their Offices, their Salaries, perquisites, &c.”

The committee instruct me, to report, that the re-organization of San Patricio County under the former bill, if passed, would interfere with any general re-organization of the counties, throughout the State; and that some of the subjects of the latter bills, are already, partly provided for, and the remainder in course of preparation, in general laws.

They, therefore, recommend, that these two bills be laid upon the table.

[Signed]

P. W. GRAY,
Chairman.

Report, bills and petitions received, and laid upon the table, to come up in their regular order.

Mr. Gray, Chairman of the committee on the Judiciary, also made the following report

COMMITTEE ROOM }
March 7th 1846. }

To the Honorable Speaker of the
House of Representatives:

The committee on the Judiciary, to whom was referred the bill, to be entitled, “An act, for the incorporation of the Grand Lodge, of the Independent Order of Odd Fellows, of the State of

Texas" and the accompanying petition, have had the same under consideration; and a majority of said committee, instruct me to report—That they consider the grant of the Charter of Incorporation, prayed for, to be *inexpedient*, and recommend, that the consideration thereof, be indefinitely postponed.

To the foregoing report, a minority of said committee, including the Chairman, *dissent*; and recommend the subject to the favorable consideration of the House.

[Signed]

P. W. GRAY.

Chairman.

Report and bills received, and laid upon the table, to come up in their regular order.

Mr. Gray, Chairman of the committee on the Judiciary, also reported as follows:

COMMITTEE ROOM }
March 7th 1846. }

*To the Honorable Speaker of the
House of Representatives:*

The committee on the Judiciary, to whom was referred a bill, to be entitled, "An act, to legalize the marriage of Samuel M. Parry and Elizabeth Neise; and legitimating their children," have had the same under consideration, and instruct me to report the bill back to the House, and to recommend its passage.

They have, also, considered a bill, to be entitled, "An act, to repeal an act, creating a Board of Medical Censors," and instruct me to report the enclosed substitute for the original, to be entitled, "An act, to repeal the laws creating, or relating to, a Board of Medical Censors."

They have, also, had under consideration a bill, to be entitled, "An act, to repeal *in-part*, an act, entitled, an act, supplementary to an act, authorizing the issuing of Duplicate Land Warrants, Discharges and Head-Rights, on certain conditions," and instruct me to report the enclosed substitute, entitled, "An act, to repeal an act, supplementary to an act, authorizing the issuing of Duplicate Land Warrants, &c—approved, January the 15th 1841."

They have, also, considered a bill, to be entitled, "An act, to repeal an act, entitled, an act, to amend an act, regulating Attachments—approved, January the 28th 1839;" and

A bill, to be entitled, "An act, regulating attachments," and

instruct me to report the enclosed substitute for said bills, entitled, "An act, amending the attachment Laws."

The committee recommend the said substitutes &c., to the favorable consideration of the House.

Report, bills and substitutes received, and laid upon the table to come up in their regular order.

Mr. Milican presented the petition of John Karner—praying for land.

On motion, the petition was referred to the committee on Public Lands.

The House again proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled, "An act, to enable the County Surveyor, of Rusk County, to make a complete Map of said County," was taken up; and

Read a second time.

Mr. Keenan moved, that the bill be engrossed.

Mr. Brown moved, that the bill be referred to a Special Committee.

Motion carried.

The Speaker appointed, Messrs. Smith of Rusk, McClarty, Holland, Clark and McCown, to constitute said committee.

A bill, to be entitled, "An act, fixing the seat of Justice of the County of Austin," was taken up, and

On motion, the bill was ordered to be engrossed

A substitute for the bill, to be entitled, "An act, defining the duties of District Attorneys," was taken up, and

Read a second time.

On motion of Mr. Miller, the word "ten" was stricken out of the bill, and the word "five" inserted in its stead.

The sense of the House was then taken, on the engrossment of the bill, and the

Bill ordered to be engrossed.

A substitute for the bill, to be entitled, "An act, defining the duties of the Attorney General," was taken up, and

Read and adopted.

On motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, to create the County of Lavaca," was taken up, and Read a second time.

On motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, to define the boundary of Fannin County," was taken up.

On motion of Mr. Bourland, the bill was passed to a third reading.

A bill, to be entitled, "An act, prescribing the time, when all laws shall go into effect, that may, be hereafter, made," was taken up, and

Read a first time.

A bill, to be entitled, "An act, creating the County of Hopkins," was taken up, and

Read a first time.

A bill, to be entitled, "An act, for the relief of the Honorable R. E. B. Baylor," was taken up, and

Read a second time.

On motion, the bill was referred to the Committee on Claims and Accounts.

A bill, to be entitled, "An act, for the relief of the Honorable Edward T. Branch," was taken up, and

Read a second time.

On motion, the bill was referred to the Committee on Claims and Accounts.

A bill, to be entitled, "An act, to locate the county seat of De Witt County," was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, confirming the seals of the General Land Office," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Public Lands.

A bill, to be entitled, "An act, defining *stays*, in Justice's Courts," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, to incorporate the town of Bonham, in Fannin County," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on State Affairs.

On motion of Mr. Gilliam the House adjourned until tomorrow, nine o'clock, A. M.

HOUSE OF REPRESENTATIVES, }
 CITY OF AUSTIN, }
 Tuesday, March 10th, 1846. }

The House met, pursuant to adjournment.

The roll was called, and, a quorum being present ;

The House proceeded to business.

The journal of the preceding day, was read and adopted.

Mr. Clark, from the committee on Internal Improvements, made the following report:

The committee on Internal Improvements, to whom was referred a bill, to be entitled, "An act, incorporating the Angelina Navigation Company," have had the same under consideration, and have instructed me to report the bill back to the House, and to recommend that it be referred to the committee on the Judiciary.

Report read and adopted.

Mr. Irion, chairman of the committee on County Boundaries, made the following report:

The committee on County Boundaries, to whom was referred a bill, (from the Senate,) to be entitled, "An act, to create the county of Grayson," and

A bill, (from the Senate,) to be entitled, "An act, to create the county of Leon," and

A bill, to be entitled, "An act, to establish the county of —; to be taken from the territory comprised within the boundaries of Montgomery county;" and a bill, to be entitled, "An act, to change the boundary of Fort Bend county;" have considered the same, and have instructed me to report said bills back to the House, and to recommend their passage.

Report and bills received, and laid upon the table, to come up in their regular order.

● Mr. Stewart moved, that so much of the report as relates to the county of Montgomery, be laid upon the table for ten days.

Motion carried.

Mr. Gillett, from the Select committee, to whom was referred a bill, to be entitled, "An act, regulating the proceedings against persons accountable for Public Monies," reported a substitute therefor.

Report received, and the substitute adopted, and laid upon the table, to come up among the orders of the day.

Mr. Erath, from the Select committee, to whom was referred a bill, to be entitled, "An act, to create the county of Bur-

leson, reported a substitute for the original bill, and recommended its adoption and passage.

Substitute adopted, and laid upon the table, to come up among the orders of the day.

A message was received from the Senate, informing the House that

The Senate refuses to concur in the amendments of the House, to a bill, to be entitled, "An act, authorizing the Governor of the State of Texas, to cede and transfer, to the United States, all of the property, of what description, soever, embraced in, and contemplated by, the Joint Resolution of the United States Congress, &c., &c."

The House was, also, informed, that the Senate had passed a "joint resolution, instructing our Senators, and requesting our Representatives, in the Congress of the United States, to procure the establishment of certain mail routes;"

And a "joint resolution, concerning the protection of the frontier."

Also, a bill, to be entitled, "An act, to authorize persons, parties to suits, to appear therein, in person."

Also, a bill, to be entitled, "An act, to create the county of Polk."

Also, a bill, to be entitled, "An act, to exclude from office, serving on juries, and from the right of suffrage, all persons, who may, herereafter, be convicted, and upon whom, final judgment has been executed, of Bribery, Perjury, subornation of Perjury, Forgery, Counterfeiting, Grand Larceny or Treason, against this State or the United States;" and

A bill, to be entitled, "An act, to provide an appropriation, for the payment of the mileage and *per diem* of the members of the Legislature of the State of Texas."

Mr. Tankersly introduced the following bills:

A bill, to be entitled, "An act, regulating and defining the duties of the assessors of direct taxes, and revenue, of the State of Texas."

A bill, to be entitled, "An act, regulating and defining the duties, of collectors of the direct taxes and revenue, of the State of Texas."

Bills read a first time.

Mr. Dickson moved a reconsideration of that portion of the report of the committee on County Boundaries, relating to Montgomery county.

Messrs. Eddy, McCown and Stewart, were, at their request, excused from voting on the motion just made by Mr. Dickson.

The yeas and nays were then called, on the adoption of the motion, and stood as follows:

Yeas. Messrs. Speaker, Adams, Barry, Bourland, Brown, Charlton, Cronican, Dickson, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gray, Irion, Jones, Keenan, Mabry, McCulloch, McNeill, Milican, Pattillo, Pease, Perkins, Railey, Rose, Russell, Smith of Harris, Swift and Willie—28,

Nays. Messrs. Burroughs, Clark, Gillett, Gooch, Holland, McFarland, Miller, Ogden, Perry, Redgate, Sadler, Savage, Sublett, and White—14.

So the motion was carried.

On motion of Mr. Clark, the report was laid upon the table, to come up among the orders of the day.

Mr. Pease, chairman of the committee on Public Lands, made the following report:

*To the Honorable Edward T. Branch,
Speaker of the House of Representatives:*

The committee on Public Lands, to whom was referred the petition of John W. Collins, and N. W. Bush; also, the petition of Garrett Fitzgerald, jr., praying for a grant of three hundred and twenty acres of land, to each of said petitioners, in addition to the quantity they have heretofore received, from the Boards of Land Commissioners, of their respective counties—have had the same under consideration; and do not find anything, in the allegations of the petitioners, which, in their opinion, would justify the Legislature in granting the land prayed for. They, therefore, return the petitions to the House, and recommend that the committee be discharged from their further consideration; and that the petitioners have leave to withdraw their petitions.

All of which, is respectfully submitted.

[Signed]

E. M. PEASE,

Chairman.

March 9th, 1846.

Report and petitions received, and laid upon the table, to come up among the orders of the day.

Mr. Smith of Rusk, made the following report:

The Select committee, to whom was referred a bill, to be entitled, "An act, to enable the County Surveyor, of Rusk county, to make a complete map of said county," have instructed me to report the same back to the House, with the following amendments:

FIRST. Strike out the word "Harrison," in the first section of the bill, and insert "Shelby."

SECOND. Make the same erasure and insertion, in the second section of the bill.

With these amendments, the committee recommend the passage of the bill.

Report, bill and amendments received, and laid upon the table, to come up in their regular order.

Mr. Gray, chairman of the committee on the Judiciary, made the following report:

COMMITTEE ROOM, }
March 9th, 1846.

*To the Honorable Speaker of
the House of Representatives :*

The committee on the Judiciary, to whom was referred a bill, to be entitled, "An act, to carry into effect, the twenty-second section of the seventh article of the Constitution," have had the same under consideration, and instruct me to report, that said bill contains *several* objects, which cannot be enacted in one law.

They, therefore, have agreed on the enclosed substitute, for one portion of said bill, to be entitled, "An act, to secure, to every head of a family, certain property, therein named, from forced sale under execution."

They recommend the adoption and passage of the substitute; and that the original bill be laid upon the table.

[Signed]

P. W. GRAY,

Chairman.

Report, bill and substitute received, and laid upon the table, to come up in their regular order.

Mr. McCulloch introduced a bill, to be entitled, "An act, to locate the county seat of La Vaca county."

Bill read a first time.

On motion, the House then proceeded to the

ORDERS OF THE DAY.

The following communication, from the Commissioner of the General Land Office, was taken up and read:

GENERAL LAND OFFICE, }
Austin, March 9th, 1846. }

*To the Honorable House of Representatives
of the State of Texas:*

GENTLEMEN:—

Your note, of the seventh instant, asking information relative to the School Lands, located in Fannin county, has been received at this office. In reply to which, you are informed, that those lands are for no particular county; and, for the better information of your Honorable Body, you are respectfully referred to "An act, entitled, an act, appropriating certain lands, for the establishment of a General System of Education," approved, twenty-sixth January, eighteen hundred and thirty-nine—page one hundred and twenty—third Congress.

I am, very respectfully, your obedient servant,

[Signed]

THOS. WM. WARD,
Commissioner.

A message was received from the Senate, informing the House of the passage of the following bills, by that body:

A bill, to be entitled, "An act, creating the county of Cherokee;"

A bill, to be entitled, "An act, creating the county of Smith;"

A bill, to be entitled, "An act, to exempt from taxation two hundred and fifty dollars worth of household furniture, or other personal property, belonging to each family in this State;"--and

A bill, to be entitled, "An act, to legalize and make valid, the official acts of Chief Justices and Associate Justices, while sitting as boards of Land Commissioners, between the first Monday in September, 1845, and the first day of January, 1846."

The House was also, informed, that the Senate had rejected a bill, to be entitled, "An act, to legitimate a certain child, named Mary—the daughter of Frederick Otto, and Caroline Gerichschen.

Mr. Perkins moved to take up a communication addressed to the Speaker of the House of Representatives, and endorsed, "Election returns, for Governor and Lieutenant Governor."

The yeas and nays were called, on the adoption of Mr. Perkins, motion, and stood as follows:

Yeas: Messrs. Speaker, Adams, Brown, Edwards of Nacogdoches, Edwards of San Augustine, Gray, Gilliam, Gooch,

Jones, Mabry, Pease, Perkins, Perry, Redgate. Smith of Harris Tankersly, White and Willie: 18.

Nays. Messrs. Barry, Bourland, Burroughs, Cazenau, Charlton, Clark, Cronican, Dickson Durham, Echols, Eddy, Erath, Gillett, Holland, Irion, Keenan, McClarty, McCown, McCulloch, McFarland, McNeill, Miller, Milican, Noble, Ogden Pattillo, Railey, Rose, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Rusk, Swift, and Sublett: 36.

So the motion was rejected.

A "Joint Resolution for the relief of John Hemphill," was taken up.

On motion, the Joint Resolution was read, by its caption, and

Referred to the committee on Claims and Accounts.

The substitute for the bill, to be entitled, "An act, to repeal an act, supplementary to an act, authorizing the issuing of Duplicate Land Warrants, Discharges and Head-Rights, on certain conditions," was taken up, and

Read a second time.

On motion of Mr. Perkins, the bill was ordered to be engrossed.

The substitute for the bill, to be entitled, "An act, to repeal the laws creating, or relating to a Board of Medical Censors," was taken up, and

Read a second time.

On motion of Mr. Cooke, the bill was ordered to be engrossed.

The substitute for the bill, to be entitled, "An act, to provide for a *viva voce* vote in all elections," was taken up, and

Read a second time.

Mr. Clark moved that the bill be laid upon the table, until the first of June next.

The yeas and nays were called, on the adoption of Mr. Clark's motion, and stood thus:

Yeas. Messrs. Brown, Charlton, Clark, Dickson, Echols, Edwards of Nacogdoches, Erath, Irion, Keenan, McCulloch, McNeill, Noble, Pease, Rose, Ryburn, Sadler, Savage, Swift and Truit: 19.

Nays. Messrs. Speaker, Barry, Bourland, Burroughs, Cazenau, Cronican, Durham, Edwards of San Augustine, Gray, Gillett, Gilliam, Gooch, Jones, Mabry, McClarty, McCown, McFarland, Miller, Milican, Ogden, Pattillo, Perkins, Perry, Railey, Rayner, Redgate, Russell, Stewart, Smith of Harris, Smith of Rusk, Sublett, Tankersly, White and Willie: 34.

So the motion was rejected.

Mr. Dickson moved to amend the bill, by striking out the words, "*viva voce*," and inserting, "by ballot."

On motion of Mr. Saddler, a call of the House was made.

The Sergeant at Arms was dispatched after absent members.

Mr. Gilliam moved that the call of the House be suspended.

Motion lost.

On motion of Mr. Sublett, a further call of the House was suspended.

Mr. Irion moved, that the House adjourn, until three o'clock

P. M.

Motion lost.

The yeas and nays were then called on the adoption of Mr. Dickson's amendment, and stood as follows:

Yeas. Messrs. Brown, Charlton, Clark, Dickson, Echols, Edwards of Nacogdoches, Erath, Hudson, Irion, Keenan, McCulloch, McNeill, Noble, Pease, Rose, Sadler, Swift, Truitt, and Williams: 19.

Nays. Messrs. Speaker, Adams, Barry, Bourland, Burroughs, Cazeneau, Cronican, Durham, Edwards of San Augustine, Eddy, Gray, Gillett, Gilliam, Gooch, Holland, Jones, Mabry, McClarty, McCown, McFarland, Miller, Milican, Mullens, Ogden, Pattillo, Perkins, Perry, Railey, Rayner, Redgate, Russell, Ryburn, Stewart, Smith, of Harris, Smith of Rusk, Sublett, Tankersly, White and Willie: 39.

So the amendment was rejected.

On motion of Mr. Sublett, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, to create the county of Wharton," was taken up, and

Read a first time.

Mr. Barry, by leave, introduced a bill, to be entitled, "An act, to create a jury fund."

Bill read first time.

Mr. Rose, by leave, introduced a bill, to be entitled, "An act, to prescribe the time of the biennial meeting of the Legislature of the State of Texas."

Bill read a first time.

Mr. Mullens, by leave, introduced a bill, to be entitled, "An act, organizing, and defining the duties of County Courts."

Bill read first a time.

On motion of Mr. McClarty, the House adjourned, until three o'clock P. M.

THREE O'CLOCK P. M.

The House met, pursuant to adjournment.

The roll was called, and a quorum being present,

The House proceeded to business.

A bill, to be entitled, "An act, creating the county of Dallas," was taken up,

The following, was offered as a substitute for the second section of the bill:

SECTION SECOND: *Be it further enacted*, That the inhabitants residing within the said limits, shall be entitled to all the rights and privileges, enjoyed by the inhabitants of the several counties in the State—*except* as to the right of separate Representation, (until entitled by numbers,) and the right of being a separate Land District.

Substitute adopted.

Mr. Mabry moved, that the bill be passed to a third reading.

On motion of Mr. Brown, the bill was recommitted, to a Select Committee.

The Speaker appointed Messrs. Brown, Edwards of Nacogdoches, Adams, Ryburn and Bourland, to constitute said committee.

The substitute for a bill, to be entitled, "An act, to create the county of Comal," was taken up,

Read and adopted.

On motion of Mr. Ogden, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, to establish the county seat of Comal county," was taken up.

On motion of Mr. Ogden, the bill was ordered to be engrossed.

A bill to be entitled, "An act, prescribing the time, when all laws, that may be, hereafter enacted, shall have, and go into effect," was taken up, and

Read a second time.

Mr. Gray offered the following, as an amendment to the bill:

In the first section of the bill, strike out the words, "from and after their passage," and insert the words "forty days after the adjournment of the Legislature."

Amendment adopted.

On motion of Mr. Perkins, the bill was then referred to the committee on the Judiciary.

A bill, to be entitled, "An act, better to define the boundary of Fannin County," was taken up,

Read a third time and passed.

A bill to be entitled, "An act, to create the county of Hopkins," was taken up,

Read a second time.

On motion, of Mr. Bourland, the bill was referred to the committee on County Boundaries.

The substitute for a bill, to be entitled, "An act, amending the Attachment Laws," was taken up, and

Read.

Mr. Stewart offered the following, as an amendment to the bill:

Insert, "beyond the limits of the Judicial District, in which the party may reside."

The yeas and nays were called, on the adoption of the amendment, and stood as follows:

Yeas. Messrs. Barry, Burroughs, Clark, Cooke, Dickson, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Keenan, McCown, McFarland, Muckleroy, Noble, Perry, Sadler, Savage, Stewart, Truit and White: 20.

Nays. Messrs. Speaker, Adams, Bourland, Brown, Charlton, Cronican, Echols, Gray, Gillett, Gilliam, Gooch, Holland, Hudson, Irion, Jones, Mabry, McClarty, McCulloch, McNeill, Miller, Milican, Mullens, Ogden, Pattillo, Pease, Perkins, Ralley, Rayner, Redgate, Rose, Russell, Ryburn, Stevenson, Smith of Harris, Smith of Rusk, Swift, Tankersly, Williams and Willie: 39.

So the amendment was rejected.

Mr. Sadler moved, to amend the bill, by striking out the word "State," and inserting "county."

Amendment rejected

On motion of Mr. Pease, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, to protect religious meetings," was taken up, and

Read a second time.

Mr. McClarty moved, that the bill be laid upon the table, until the first day of June next.

Motion lost.

On motion, of Mr. Eddy, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, to provide for the revision of the laws of Texas," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A Resolution, of the House, relative to postponing any action, concerning the counties of Colorado, Matagorda and Austin, was taken up, and read.

On motion of Mr. Swift, the Resolution was rejected.

A bill, to be entitled, "An act, giving concurrent jurisdiction, to the District and Inferior Courts, in certain cases," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill to be entitled, "An act, to restrain Clerks and other Officers, from collecting unlawful costs," was taken up.

On motion, of Mr. Bourland, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, regulating Appeals, Injunctions and Supersedeas," was taken up, and

Read a second time.

On motion, of Mr. Keenan, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, authorizing the Governor, of the State of Texas, to procure, for the use of the State, copies of the acts, of the present and subsequent sessions, of the Congress of the United States," was taken up, and

Read a second time.

On motion of Mr. Durham, the bill was referred to the committee on State Affairs.

A bill, to be entitled, "An act, to re-organize, San Patricio county," was taken up, and

Read a second time.

On motion, of Mr. Bourland, the bill was referred to a Special Committee.

The Speaker appointed, Messrs. Bourland, Stevenson, Williams, Mabry and Ogden, to constitute said committee.

A bill, to be entitled, "An act, to secure to Elizabeth Parry, all property which she had at the time of marriage with Samuel M. Parry," was taken up, and

On motion of Mr. Tankersly, laid upon the table.

A bill, to be entitled, "An act, for the incorporation of the Grand Lodge, of the Independent Order of Odd Fellows, of the State of Texas," was taken up, and read a second time.

Mr. Gray moved to amend the caption of the bill, as follows:

"An act, to provide for the incorporation of Lodges, of Odd Fellows, in the State of Texas."

Amendment adopted.

On motion of Mr. Tankersly, the bill was then ordered to be engrossed.

A bill, to be entitled, "An act, to define the return term of the District Court," (reported back to the House by the committee on the Judiciary) was taken up.

On motion, of Mr. Miller, the bill was laid upon the table.

A bill, to be entitled, "An act, to suppress secret gaming," (reported back to the House, by the committee on the Judiciary,) was taken up, and,

On Motion of Mr. Bourland, laid on the table.

A bill, to be entitled, "An act, to prescribe the mode of electing District Attorneys," was taken up, and

Read by its caption.

On motion of Mr. Burroughs, the bill was laid upon the table.

A bill, to be entitled, "An act, making an appropriation of three thousand dollars, for the contingent expenses of both Houses of the Legislature," was taken up, and

Read a second time.

On motion of Mr. Perkins, the bill was ordered to be engrossed.

A bill, be entitled, "An act, to protect the Christian Sabbath," was taken up, and

Read a second time.

On motion of Mr. Gray, the bill was referred to the committee on State Affairs.

A bill, to be entitled, "An act, declaratory of the Office duties and powers, of Notaries Public, of the State of Texas, was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill to be entitled, "An act, to exempt two hundred and fifty dollars worth of household furniture, or other personal property, from taxation," was taken up, and

On motion of Mr. Rose, the bill was laid upon the table.

A bill, to be entitled, "An act, to raise a revenue, by taxation," was taken up, and

Read a second time.

On motion of Mr. Mabry, the bill was referred to the committee on Finance.

A bill, to be entitled, "An act, to locate the seat of Justice, of Guadalupe county," was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed.

The petition of Loving R. Henderson, was taken up, and
Read a second time.

On motion, the petition was rejected.

A bill, to be entitled, "An act, authorizing the Governor to fill vacancies, that may hereafter occur," was taken up, and
Read, a second time.

On motion of Mr. Edwards of San Augustine, the bill was ordered to be engrossed.

On motion of Mr. Gray, Mr Burroughs was added to the committee on the Judiciary.

Mr. Russell, Chairman of the committee on Engrossed Bills made the following report:

*To the Honorable E. T. Branch,
Speaker of the House of Representatives;*

The committee on Engrossed Bills, have examined the following bills, and find the same correctly engrossed:

A bill, to be entitled, "An act, to organize the county of Anderson."

A bill, to be entitled, "An act, to create a new county, out of a part of the counties of Gonzales and Bexar, to be called the county of Guadalupe;"

A bill, to be entitled, "An act, to define the boundaries of the county of Brazoria;" and

A bill, to be entitled, "An act, to create a new county, out of part of the counties of Gonzales, Victoria and Goliad—to be called the county of De Witt."

[Signed]

A. J. RUSSELL,
Chairman.

Report read and accepted.

On motion, of Mr. Russell, the House adjourned, until tomorrow morning nine o'clock,

HOUSE OF REPRESENTATIVES, }
 CITY OF AUSTIN, WEDNESDAY, }
 March, 11th, 1846. }

The House met, pursuant to adjournment.

The roll was called, and, a quorum being present:

The House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Clark, chairman of the committee on State Affairs, made the following report:

COMMITTEE ROOM }
 March 11th 1846. }

*To the Honorable E. T. Branch, Speaker of the
 House of Representatives:*

The committee on the Affairs of the State, have had under consideration a bill, to be entitled, "An act, to incorporate the town of Bonham, in Fannin county," and, believing that the nature of said bill, brings it more properly within the line of the duties of the Judiciary committee, they have instructed me to report the same back to the House, and to recommend its reference to said committee.

They have, also, considered a bill, to be entitled, "An act, to repeal an act, entitled an act to provide for the establishment of peace, and to regulate friendly intercourse with the Indians—approved fourteenth January, eighteen hundred and forty-three;" and, a majority of said committee, being of opinion, that our change from a separate National, to a State Government, renders the passage of such an act, by the Legislature, altogether unnecessary, have directed me to return said bill to the House, and to recommend its rejection.

[Signed]

EDWARD CLARK.
Chairman.

Report read and received, and,

On motion of Mr. Erath, that portion, relative to establishing peace and friendly intercourse with the Indians, was laid upon the table, to come up among the orders of the day.

Mr. Pease, chairman of the committee on Public Lands, made the following report:

*To the Honorable Edward T. Branch,
Speaker of the House of Representatives :*

The committee on Public Lands, to whom was referred the petition of John Gray, Attorney in fact, for Jane Guyman—praying that a certificate for one league and one labor of land, be issued to the said Jane Guyman, as the heir-at-law of William Guyman, deceased—have had the same under consideration, and are of opinion, that the laws of the State afford an ample remedy to the petitioner. They, therefore, recommend that the committee be discharged from its consideration; and that the petitioner have leave to withdraw his petition.

The same committee, to whom was referred the petition of John Harrison, and the petition of Joseph McGee, each praying a confirmation of their Land Certificates, which were not approved by the Travelling Boards of Land Commissioners, are of opinion, that it is inexpedient for the House to grant the relief prayed for, inasmuch as the petitioners have their remedy, by making application to the District Courts, of their respective districts.

They, therefore, ask leave to be discharged from the consideration of said petitions, and recommend that the petitioners have leave to withdraw them.

All of which is respectfully submitted.

[Signed]

E. M. PEASE.

Chairman.

Report and petitions received, and laid upon the table, to come up in their regular order.

Mr. Savage, Chairman of the committee on Public Buildings, upon consideration of the resolution referred to them by the House, reported, that the Capitol, Governor's Office, State Department, Treasury Buildings, and the building occupied as the General Land Office, should be retained, for the use of the State; and the remainder sold, in accordance with a Joint Resolution, for disposing of a portion of the Public Buildings, in the city of Austin.

Report received, and laid upon the table, to come up in its regular order.

Mr. Adams introduced a bill, to be entitled, "An act, requiring the Commissioner of the General Land Office to issue a Certificate, for six hundred and forty acres of land, to David J. Wilson."

Bill read a first time.

Mr. Burroughs introduced a bill, to be entitled, "An act, to provide for the protection and security, of the present county seats, of the various counties of the State of Texas, that were established and organized, under the Constitution and laws of the Republic of Texas.",

Bill read a first time.

On motion of Mr. Tankersly, the House proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled "An act to cede and transfer to the United States all of the property, of what description soever, embraced in, and contemplated by, the Joint Resolution of both Houses of the Congress of the United States, approved 1st of March, 1845, and the 8th section of the 13th Article of the Constitution of the State of Texas," (having been returned from the Senate, said body refusing to concur in the amendments of the House,) was taken up.

Mr. Sublett moved that the Speaker appoint a committee to confer with a like committee on the part of the Senate, in relation to said bill and amendments.

Mr. Bourland moved that the House recede from its amendments to the bill.

Motion lost.

The sense of the House was then taken on the adoption of Mr. Sublett's motion,

And the motion carried.

A bill, to be entitled "An act to create the county of De Witt," was taken up,

Read a 3rd time, and passed.

A bill, to be entitled an act to define the boundaries of the county of Brazoria, was taken up,

Read a 3rd time, and passed.

A bill, to be entitled an "Act to create the county of Guadalupe," was taken up,

Read a third time, and passed.

A bill, to be entitled, "An act organizing the county of Anderson," was taken up,

Read a third time, and passed.

A bill, to be entitled "An act to exempt from taxation two hundred and fifty dollars worth of property," was taken up,

Read a 3rd time, and passed.

A bill, to be entitled "An act to create the county of Cherokee," was taken up, and

Read a first time.

A bill to be entitled, "An act to legalize and make valid the official acts of Chief Justices, while sitting as Boards of Land Commissioners, between the first Monday in September, 1845, and the first day of January, 1846," was taken up, and

Read a first time.

A bill, to be entitled, "An act regulating and defining the duties of the Assessors of direct taxes and revenues of the State of Texas was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Finance.

A bill, to be entitled, "An act regulating and defining the duties of the collectors of direct taxes and revenues of the State of Texas," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Finance.

A bill to be entitled, "An act to create the county of Smith," was taken up, and

Read a first time.

A bill, to be entitled, "An act to locate the county seat of La Vacca county," was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act to organize and define the duties of County Courts," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

Mr. Russell, Chairman of the committee on Engrossed Bills, made the following report:

Honorable Edward T. Branch,

Speaker of the House of Representatives:

The committee on Engrossed Bills, have examined a bill to be entitled "An act to create and organize the county of Panoia," and find the same correctly engrossed.

(Signed,)

A. J. RUSSELL,
Chairman.

Report read and accepted.

Mr. Burroughs introduced a bill, to be entitled, "An act to limit suits on claims created and originating beyond the limits of the Republic, prior to the 23d of June, 1845."

Bill read a first time.

Mr. Rose introduced a bill, to be entitled, "An act the better to define the boundaries of the county of Victoria."

Bill read a first time.

Mr. Rose also introduced a bill, to be entitled, "An act to create the county of Calhoun."

Bill read a first time.

A bill, to be entitled, "An act to secure to every head of a family, certain property, therein named, from forced sales under execution," was taken up.

Mr. Miller offered the following as an amendment to the bill.

SECTION SECOND. *Be it further enacted*, That from and after the passage of this act, there shall be reserved to every citizen, not the head of a family, in this State, free and independent of the power of a writ, of fieri facias, or other execution whatever, fifty acres of land, or one town lot, including his or her homestead and improvements, not exceeding five hundred dollars in value; all household and kitchen furniture, not exceeding one hundred dollars in value; all implements of husbandry, not exceeding fifty dollars in value; all tools, apparatus and books belonging to the trade or profession of any such citizen; two cows and calves; one horse saddle and bridle; ten head of hogs, and one years' provisions: *Provided*, That the provisions of this section shall not be construed to extend to every citizen who is a member, and composes a part of any family, the head of which is entitled to the benefit of the first section of this act.

Mr. Durham moved that the amendment be laid upon the table.

Motion carried.

Mr. Miller moved that the amendment be taken from the table.

The yeas and nays were called on the adoption of Mr. Miller's motion, and stood as follows:

Yeas. Messrs. Brown, Burroughs, Charlton, Cooke, Cronican, Dickson, Echols, Edwards, of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Holland, Jones, Keenan, Mabry, McClarty, McFarland, McNeill, Miller, Mullens, Noble, Pease, Perkins, Perry, Rayner, Ryburn, Saddler, Savage, Stevenson, Stewart, Smith, of Harris, Smith, of Rusk, Swift, Sublett Tankersly, Truit, and White—37.

Nays. Messrs. Speaker, Adams, Barry, Clark, Durham, Erath, Gillett, Gilliam, Irion, McCown, Milican, Muckleroy, Pattillo, Redgate, Rose, Russell, Williams, and Willie—18.

So the motion was carried, and the amendment taken up.

Mr. Mabry moved, that the bill and amendment be referred to the committee on the Judiciary.

Mr. Tankersly moved that the bill and amendment be laid upon the table, until 3 o'clock, P. M.

Motion carried.

A bill, to be entitled, "An act to enable the County Surveyor of Rusk county to make a complete map of said county," together with the amendments proposed by the committee to whom said bill was referred, was taken up.

Amendments read and adopted.

On motion of Mr. Brown, the bill was ordered to be engrossed.

A bill, to be entitled, "An act to create the county of Wharton," was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act to create a Jury fund," was taken up, and

Read a 2d time.

On motion, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act to prescribe the time of the biennial meeting of the Legislature," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on State Affairs.

A "Joint resolution, instructing our Senators, and requesting our Representatives, in the Congress of the United States, to procure the establishment of certain Mail Routes," was taken up, and

Read a first time.

A "Joint Resolution, concerning the protection of the frontier," was taken up, and

Read a first time.

A bill, to be entitled, "An act to authorize parties to suits to appear therein, in person," was taken up, and

Read a first time.

A bill, to be entitled, "An act creating the county of Polk," was taken up, and

Read a first time.

A bill, to be entitled, "An act to exclude from office, serving on juries, and from the right of suffrage, all persons who may hereafter be convicted, and upon whom final judgment has

been executed, of bribery, perjury, subornation of perjury, forgery, counterfeiting, grand larceny, or treason against this State, or the United States, was taken up, and

Read a first time.

The Special Committee, to whom was referred a bill, to be entitled, "An act regulating proceedings against persons accountable for Public Monies," through their Chairman, Mr. Gillett, reported a substitute therefor, and recommended its passage.

Substitute read and adopted.

On motion the bill was ordered to be engrossed.

On motion of Mr. Echols, the House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and, a quorum being present,

The House proceeded to business.

A bill, to be entitled, "An act to secure to every head of a family, certain property therein named," being the special order, was taken up, together with the amendment proposed by Mr. Miller.

Mr. Dickson moved that the bill and amendment be referred to the committee on the Judiciary.

Motion lost.

Question: Shall the amendment proposed by Mr. Miller, to the bill now under consideration of the House, be adopted?

The yeas and nays were called on the adoption of the amendment, and stood as follows:

Yeas. Messrs. Brown, Burroughs, Charlton, Holland, Mabry, McClarty, Miller, Mullens, Perry, Rayner, Sadler, Savage, Stewart, Smith of Rusk, Swift, Tankersly, Truit, and White—18.

Nays.—Messrs. Speaker, Adams, Barry, Bourland, Clark, Cronican, Dickson, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gray, Gillett, Gilliam, Irion, Jones, Keenan, McCown, McFarland, McNeill, Milican, Muckleroy, Noble, Ogden, Perkins, Railey, Redgate, Rose, Russell, Ryburn, Sublett, and Williams—33.

So the amendment was rejected.

Mr. Pease moved that the bill be engrossed.

On motion of Mr. Sublett, the caption of the bill was amended as follows:

"An act to protect from forced sale, certain property therein mentioned."

The question then recurred on the engrossment of the bill.

The yeas and nays were called, and stood thus:

Yeas. Messrs. Speaker, Adams, Brown, Burroughs, Charlton, Clark, Dickson, Echols, Edwards of Nacogdoches, Eddy, Holland, Irion, Jones, Keenan, Mabry, McClarty, Miller, Muckleroy, Mullens, Ogden, Pease, Perkins, Perry, Railey, Rayner, Savage, Stewart, Smith of Rusk, Swift, and Truit—30.

Nays. Messrs. Barry, Bourland, Cronican, Edwards of San Augustine, Gray, Gillett, Gilliam, McCown, McFarland, McNeill, Milican, Noble, Redgate, Rose, Russell, Ryburn, Sadler, Sublett, White, and Williams—21.

So the bill was ordered to be engrossed.

Mr. Sublett introduced a bill, to be entitled, "An act for the protection of widows and orphans."

Bill read a first time.

Mr. Keenan introduced a bill, to be entitled, "An act to provide for the organization of new counties.

Bill read a first time.

Mr. Barry introduced a bill, to be entitled, "An act for the relief of owners of slaves, convicted and executed under the laws of the State."

Bill read a first time.

Mr. Miller presented the petition of R. G. Green, praying for land.

Petition read, and

On motion, referred to the committee on Public Lands.

On motion, the House proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled, "An act to create the county of Grayson," was taken up, and

On motion, passed to a third reading.

Mr. Russell presented a petition from Wm. B. Hughes, praying for relief.

Petition read, and

On motion, referred to the committee on Claims and Accounts.

A bill, to be entitled, "An act to create the county of Leon," was taken up, and

Read a 2d time.

On motion of Mr. Bourland, the bill was referred to a select committee.

The Speaker appointed Messrs. Bourland, Cooke, Adams, Milican, and Barry, to constitute said committee.

A bill, to be entitled, "An act to change the line of Fort-Bend county," was taken up, and

Read a second time.

Mr. Rayner offered a substitute for said bill.

Substitute adopted, and

On motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act to establish the county of _____," was taken up; and

Read a first time.

Mr. Russell, Chairman of the committee on engrossed bills, made the following report:

Honorable Edward T. Branch,

Speaker of the House of Representatives:

The committee on Engrossed Bills, have examined the following bills, and find the same correctly engrossed:

A bill, to be entitled, "An act to create the county of Comal;"

A bill, to be entitled, "An act to establish the county seat of the county of Comal;" and

A bill, to be entitled, "An act to locate the seat of justice of Guadalupe county."

(Signed,)

A. J. RUSSELL,

Chairman.

Report read and accepted.

A substitute for the bill, to be entitled, "An act to create the county of Burleson," was taken up, and

On motion of Mr. Erath, the substitute was adopted.

Mr. Erath then moved the engrossment of the bill.

Motion carried, and the bill ordered to be engrossed.

Mr. Rose introduced a bill to be entitled, "An act to provide for the location of the county site of the county of Calhoun."

Bill read a first time.

Mr. Jones presented a petition of sundry citizens of Matagorda, memorializing for land.

Petition read, and

On motion referred to the committee on Education.

Mr. Bourland made the following report:

The Select Committee, to whom was referred a bill, to be entitled, "An act to create the county of Leon," have had the

same under consideration, and have instructed me to report the bill back to the House, with the accompanying amendments, and to recommend the passage of the same, as amended.

[Signed]

WM. H. BOURLAND,

Chairman.

Amendments read and adopted, and

On motion of Mr. Bourland, the bill was passed to a third reading.

Mr. Burroughs, Chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills, have examined a bill, to be entitled, "An act for the payment of the mileage and *per diem* pay of the members of the Legislature," and find the same correctly enrolled.

Report read and accepted.

On motion of Mr. Miller, the House adjourned until nine o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, THURSDAY, }
March, 12th, 1846. }

The House met, pursuant to adjournment.

The roll was called, and, a quorum being present:

The House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Charlton presented a memorial, from the citizens of Liberty and Harris counties; memorializing for the establishment of a new county.

Memorial read, and,

On motion, referred to the committee on County Boundaries.

Mr. Barry presented a memorial, from the citizens of Red River County—praying for a division of the same.

Memorial read, and,

On motion, referred to the committee on County Boundaries.

Mr. Russell, Chairman of the committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, }
March 12th, 1846. }

*Honorable E. T. Branch, Speaker of the
House of Representatives:*

The committee on Engrossed Bills have examined the following bills, and find the same correctly engrossed.

A bill, to be entitled, "An act, to direct the mode of voting, in all popular elections."

A bill, to be entitled, "An act, to repeal the laws, creating, or relating to, a Board of Medical Censors."

A bill, to be entitled "An act, to amend the attachment laws."

A bill, to be entitled, "An act, to enable the Governor, to fill certain vacancies of office, that may hereafter occur."

A bill, to be entitled, "An act, to provide for the incorporation of all Lodges, of the Independent Order of Odd Fellows, of the State of Texas."

A bill, to be entitled, "An act, to repeal an act, supplementary to an act, authorizing the issuing of Duplicate Land Warrants, Discharges, and Head-rights, on certain conditions," and,

A bill, to be entitled, "An act, appropriating three thousand dollars, for the contingent expenses of both Houses of the Legislature."

A. J. RUSSELL,
Chairman.

Report read and accepted.

Mr. Burroughs, Chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills, have examined a bill, to be entitled, "An act, to make an appropriation for the payment of the *per diem* and mileage pay, of the members of the Legislature of the State of Texas," and find the same correctly enrolled; and, having been signed by the Speaker of the House of Representatives, and the President of the Senate, said bill was, this day, presented to his Excellency, the Governor, for his approval.

The committee, have also examined a bill to be entitled, "An act, to postpone the holding of the District Courts, in the several Judicial Districts of this State;" and a bill to be entitled, "An act to better define the boundaries of the county of Fannin," and find said bills correctly enrolled; and, having

been signed by the Speaker of the House of Representatives and the President of the Senate, they were this day presented to his Excellency, the Governor, for his approval.

Report read and accepted.

Mr. Erath made the following report:

The Select Committee, to whom was referred a bill, to be entitled, "An act, to create and organize the county of Tyler," have directed me to report the accompanying substitute for said bill, and to recommend the adoption and passage of the same.

[Signed]

G. B. ERATH,
Chairman.

Report, bill, and substitute received, and laid upon the table, to come up in their regular order.

Mr. Stewart offered the following Resolution:

Resolved, That the committee on the Judiciary, to whom was referred a bill, to be entitled, "An act, providing for the organization of new counties," be requested to take into consideration, the expediency of removing the administrations of all estates, or successions, falling within the limits of the new counties, from the counties where they were opened, to the Probate Court of said new counties. Also, of the removal of successions, remaining unclosed—which were opened in counties since divided, to those counties where the property of such successions mainly lie; or where the same may be administered upon, to the greatest advantage.

Resolution read and adopted.

Mr. Perkins introduced a bill, to be entitled, "An act, for the benefit of Milton Hicks."

Bill read a first time.

Mr. White introduced a bill, to be entitled, "An act, defining the boundaries and limits of Jackson County."

Bill read a first time.

Mr. McFarland introduced a bill, to be entitled, "An act, to release the county of Fannin, a of certain portion of the debt of said county, due the county of Grayson."

Bill read a first time.

Mr. Pattillo introduced a bill, to be entitled, "An act, to incorporate the Society of Free-Masons."

Bill read a 1st time.

Mr. Erath introduced a bill, to be entitled, "An act, to establish the County Seat of Milam County."

Bill read a first time.

Mr. Smith, of Harris, offered the following resolution:

Resolved, That the committee on Printing, be instructed to receive sealed proposals—(until the time fixed for the election of Public Printer) for printing ——— copies of the Laws passed at the first session of the Legislature; and ——— copies of the Journals of each House.

Resolved further, That, with the concurrence of the Senate, both Houses will go into the election of Public Printer, on the ——— inst., at eleven o'clock A. M.

Resolution read, and,

On motion, laid upon the table, one day, for consideration.

On motion of Mr. Echols, Messrs. Noble and Savage, were added to the committee on State Affairs.

On motion of Mr. Erath, the House proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled, "An act, to create the county of Leon," was taken up.

Read a third time and passed.

Mr. Miller offered the following resolution:

Resolved, That the committee on Public Printing, be instructed to enquire, whether the documents accompanying the Governor's message have not been printed; and *why* they have not been furnished this House, &c? and report, as soon as practicable.

Resolution read and adopted.

Mr. Pease moved that the motion made on a previous day, for the reconsideration of the vote of the House, on the engrossment of a bill, to be entitled "An act, to secure to every head of a family, certain property therein named, from forced sale under execution, be again taken up.

Motion carried.

The sense of the House was then taken, on the adoption of the motion for the reconsideration of the vote, on the engrossment of the bill, and the

Motion carried.

Mr. Pease then offered a substitute for the bill.

Substitute read and adopted.

Mr. Gray moved, that the word "apparatus" be stricken out, wherever it occurs in the bill.

Motion lost.

Mr. Pease offered the following as an additional section, to come in after the third section of the bill.

Sec. 4th. *Be it further enacted*, That all laws and parts of

laws, conflicting with the provisions of this act, be, and the same are, hereby repealed.

Amendment read and adopted.

Mr. Miller offered to amend the third section of the bill as follows:

Provided, That the provisions of this section, shall not be construed to extend to any citizen, who is a member, or composes a part of any family, the head of which is entitled to the provisions of the preceding sections of this act.

Amendment rejected.

On motion of Mr. Russell, the bill was laid upon the table, until Saturday next, ten o'clock A. M.

Mr. Bourland offered the following resolution:

Resolved, That the rules, laid down in Jefferson's Parliamentary Manual, be adopted, as the standing rules of the House of Representatives, where the rules already adopted are silent.

Resolution read and adopted.

Mr. Russell offered the following resolution:

Resolved by the House of Representatives of the State of Texas, That a committee of six be appointed to confer with a like committee on the part of the Senate, to take into consideration the propriety of instructing our Senators to the United States Congress, concerning the "Oregon question;" and that said committee be requested to report, as soon as practicable.

Mr. Durham moved that the resolution be laid upon the table.

Motion rejected.

Mr. Cazenau moved that the resolution be laid upon the table.

The yeas and nays were called, on the adoption of Mr. Cazenau's motion, and stood as follows:

Yeas. Messrs. Speaker, Adams, Bourland, Burroughs, Cazenau, Clark, Cooke, Cronican, Durham, Echols, Eddy, Erath, Gray, Gillett, Hudson, Jones, Mabry, McClarty, McCown, McCulloch, McFarland, Pattillo, Perkins, Redgate, Rose, Sadler, Savage, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Swift, Tankersly, Truit, White, and Willie—36.

Nays. Messrs. Barry, Brown, Charlton, Dickson, Edwards of Nacogdoches, Edwards of San Augustine, Gilliam, Gooch, Holland, Irion, Keenan, McNeill, Milican, Muckleroy, Noble, Ogden, Pease, Perry, Rayner, Russell, Sublett, White, and Williams—21.

So the motion was adopted.

Mr. Jones, by leave, introduced a bill, to be entitled, "An act to define the boundaries of Matagorda county."

Bill read a first time.

Mr. Keenan, by leave, introduced a bill, to be entitled, "An act to incorporate the Huntsville Academy."

Bill read a first time.

A bill, to be entitled, "An act to locate the county seat of Grayson county," was taken up, and

Read a third time.

On motion of Mr. McFarland, the bill was re-committed to a Special committee, consisting of Messrs. McFarland, Bourland, Cooke, Adams, and Barry.

A message was received from the Senate, informing the House of the passage of a bill, to be entitled, "An act to connect Galveston Island with the main land, at Virginia Point," by that body.

The House was also informed, that Messrs. Cuney, Phillips, and Wallace, were appointed a committee, to confer with a like committee on the part of the House, relative to the subject matter of difference, between the two Houses, upon a bill to be entitled, "An act to cede and transfer, all the property, of what description soever, &c., &c., to the United States."

A bill to be entitled, "An act for the incorporation of all Lodges of the Independent Order of Odd Fellows, of the State of Texas," was taken up, on its third reading.

On motion of Mr. Smith of Harris, the bill was re-committed, to a Special committee.

The Speaker appointed Messrs. Smith of Harris, Savage, Miller, Mabry and Cronican, to constitute said committee.

Mr. Holland, by leave, introduced a bill, to be entitled, "An act to carry into effect the latter clause of the twenty-second section, of the General Provisions of the Constitution of the State of Texas."

Bill read a first time.

Mr. Ogden presented the memorial of John Sanders, praying for relief.

Memorial read, and,

On motion, referred to the committee on Public Lands.

A bill to be entitled, "An act to repeal an act, supplementary to an act, authorizing the issuing of Duplicate Land Warrants, Discharges, and Head Rights, on certain conditions," was taken up,

Read a third time and passed.

On motion the House adjourned, until three o'clock, p. m.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The roll was called, and a quorum being present,

The House proceeded to business.

Mr. Dickson offered the following Joint Resolution :

Be it resolved, That our Senators in Congress be, and they are hereby, instructed to vote for the resolution, introduced in the House of Representatives, giving notice to Great Britain of the cessation of joint occupancy of the Oregon Territory ; and

Be it further resolved, That it is hereby made the duty of his Excellency, the Governor, to transmit to our Senators, a copy of this Joint Resolution.

On motion of Mr. Sublett, the Joint Resolution was laid upon the table, until eight o'clock, Friday night.

Mr. McFarland made the following report :

The Select committee, to whom was referred a bill, to be entitled, "An act to create the county of Grayson," have had the same under consideration, and have directed me to report the bill back to the House, with the following amendment to the second section :

At the end of the fourth line, add, "and a separate Land District."

Amendment read and adopted, and the bill passed to a third reading.

Mr. Pease moved, that the vote of the House, (taken on a previous day,) adopting the report of the committee, in relation to the petition of Joseph McGee, be reconsidered.

Motion carried.

On motion of Mr. Eddy, the petition was then referred to a Select committee.

The Speaker appointed Messrs. Eddy, Gilliam, McNeill, Keenan, and Edwards of Nacogdoches, to constitute said committee.

Mr. Sublett introduced a bill, to be entitled, "An act to prevent the commission of crimes and misdemeanors."

Bill read a first time.

Mr. Tankersly, chairman of the committee on Finance, made the following report :

*To the Honorable Speaker of
the House of Representatives:*

The committee on Finance, to whom was referred a bill, to

be entitled, "An act to raise a revenue by taxation," have had the same under consideration, and a majority of said committee, instruct me to report to the House a substitute for the original bill; and to respectfully recommend its adoption.

[Signed]

B. F. TANKERSLY,

Chairman.

Report, bill and substitute received and laid upon the table, to come up in their regular order.

Mr. Smith of Rusk, made the following report:

The Special committee to whom was referred a bill, to be entitled, "An act, regulating Roads, Bridges, Ferries, &c.," have had the same under consideration, and have instructed me to report the accompanying substitute for the original bill, and to recommend the adoption of the same.

Substitute read and adopted.

Mr. Smith of Harris, moved that one hundred copies of the substitute for a bill, to be entitled, "An act to raise a revenue by taxation," be printed for the use of the House.

The yeas and nays were called, on the adoption of Mr. Smith's motion, and stood as follows:

Yeas. Messrs. Adams, Bourland, Barry, Burroughs, Cazenau, Clark, Cocke, Durham, Echols, Edwards of Nacogdoches, Eddy, Erath, Holland, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, McNeill, Miller, Milican, Mullens, Noble, Ogden, Perkins, Perry, Redgate, Rose, Ryburn, Savage, Smith of Harris, Smith of Rusk, Sublett, White, and Willie—38.

Nays. Messrs. Speaker, Brown, Charlton, Cronican, Dickson, Edwards of San Augustine, Gray, Gillett, Gilliam, Gooch, Muckleroy, Pattillo, Pease, Rayner, Russell, Sadler, Stewart, Swift, Tankersly, and Williams—19.

So the motion was carried.

Mr. Rose introduced a bill to be entitled, "An act for the relief of James Gilliam, assignee of Jesse Billingsly."

Bill read a first time.

Mr. Willie introduced a bill, to be entitled, "An act regulating appeals to the Supreme Court, in criminal cases."

Bill read a first time.

A bill, to be entitled, "An act appropriating \$3,000, for the contingent expenses of both Houses of the Legislature," was taken up.

Read a third time and passed.

A bill, to be entitled, "An act to amend the attachment laws" was taken up, read a third time.

On motion of Mr. Burroughs, the bill to be entitled, "An act to limit suits, on claims created and originating beyond the limits of the Republic of Texas, prior to the twenty-third day of June, eighteen hundred and forty-five," was taken up, and Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act to direct the mode of voting, in all popular elections," was taken up, and

Read a third time.

Mr. Brown moved that the House adjourn until nine o'clock, to-morrow morning.

The yeas and nays were called on the adoption of Mr. Brown's motion, and stood as follows:

Yeas. Messrs. Brown, Burroughs, Charlton, Clark, Echols, Edwards of Nacogdoches, Eddy, Erath, Gooch, Holland, McClarty, McCown, McNeill, Miller, Muckleroy, Noble, Pease, Perry, Sadler, Stewart, Smith of Rusk, Sublett, Truit, White, and Williams—25.

Nays. Messrs. Speaker, Adams, Barry, Bourland, Cazenau, Cooke, Cronican, Dickson, Durham, Edwards of San Augustine, Gray, Gillett, Gilliam, Hudson, Irion, Jones, Keenan, Mabry, McFarland, Milican, Mullens, Ogden, Pattillo, Perkins, Rayner, Redgate, Rose, Russell, Ryburn, Savage, Smith of Harris, Swift, Tankersly and Willie—34.

So the motion to adjourn, was lost.

On motion, a call of the House was then made.

Mr. Gooch moved that the House adjourn until to-morrow morning, nine o'clock.

Motion lost.

On motion of Mr. Cazenau, the call of the House was suspended.

The sense of the House was then taken on the final passage of the bill, and

The yeas and nays being called, stood as follows:

Yeas. Messrs. Speaker, Adams, Barry, Bourland, Burroughs, Cazenau, Cooke, Cronican, Durham, Edwards of San Augustine, Eddy, Gray, Gillett, Gilliam, Gooch, Holland, Jones, Mabry, McClarty, McCown, McFarland, Mullens, Ogden, Pattillo, Perkins, Perry, Rayner, Redgate, Russell, Ryburn, Stewart, Smith of Harris, Smith of Rusk, Sublett, Tankersly, White, and Willie—39.

Nays. Messrs. Brown, Charlton, Clark, Dickson, Echols, Edwards of Nacogdoches, Erath, Hudson, Irion, Keenan, Mc-

Culloch, McNeill, Muckleroy, Noble, Pease, Rose, Sadler, Savage, Swift, Truit, and Williams—21.

So the bill passed.

Mr. Russell, Chairman of the committee on Engrossed bills, made the following report :

COMMITTEE ROOM, }
March 12th 1846. }

*To the Honorable E. T. Branch,
Speaker of the House of Representatives :*

The committee on Engrossed bills have examined the following bills, and find the same correctly engrossed :

A bill to be entitled, "An act to create the county of Wharton ;"

A bill to be entitled, "An act to define the boundaries of the county of Fort Bend ;"

A bill to be entitled, "An act to organize the county of Burleson ;"

A bill to be entitled, "An act to locate the county seat of La Vaca county ;" and

A bill to be entitled, "An act to enable the County Surveyor, of the county of Rusk, to make a complete map of said county."

[Signed]

A. J. RUSSELL.

Chairman.

Report read and accepted.

Mr. Cooke introduced a bill to be entitled, "An act to define the boundaries of Robertson county."

Bill read a first time.

On motion of Mr. McCown, the House adjourned until tomorrow morning, nine o'clock.

HOUSE OF REPRESENTATIVES,
CITY OF AUSTIN, FRIDAY,
March 13th 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Brown, Charlton. Clark, Dickson, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gooch, Holland, Irion, Jones, Keenan, Mabry, McFarland, McNeill, Miller, Milican, Mullens, Noble, Pattillo, Pease, Perkins, Perry, Railey, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Stevenson, Smith of Rusk, Sublett, Tankersly, Truit, White, Williams, and Willie.

A quorum being present, the House proceeded to business.

The Journal of the preceding day, was read and adopted,

Mr. Rose presented the petition of James Gilliam.

Petition read, and

On motion, referred to the committee on Public Lands.

Mr. Tankersly, Chairman of the committee on Finance, made the following report:

*To the Speaker of the
House of Representatives:*

The committee on Finance, having had under consideration a bill to be entitled, "An act regulating and defining the duties of Assessors of direct taxes, and revenue of the State of Texas," instruct me to report to the House a substitute for the original bill, and to recommend its passage.

[Signed]

B. F. TANKERSLY,
Chairman.

Report, bill and substitute received and laid upon the table, to come up in their regular order.

Mr. Keenan, chairman of the committee on Education, made the following report:

COMMITTEE ROOM, }
March 12th, 1846. }

*To the Honorable Edward T. Branch,
Speaker of the House of Representatives:*

Your committee, to whom was referred the petition of the

trustees of the Matagorda University—asking an appropriation for the benefit of their institution—have had the same under consideration, and instruct me to report:

That, under the present condition of the Finances of the State, they think it inexpedient to make any appropriations for the purposes of education, other than those by law required to be made; and that lands, donated under the provisions of the Constitution of the State of Texas, for the use of schools, &c., would, at this time, be unavailable to them.

They therefore ask to be relieved from further consideration of the subject.

[Signed]

C. G. KEENAN,
Chairman.

Report read and adopted.

Mr. Irion, Chairman of the committee on County Boundaries, made the following report:

MARCH 13, 1846.

To the Honorable Edward T. Branch,

Speaker of the House of Representatives:

The committee on County Boundaries have examined a bill, to be entitled, "An act to create the county of Hopkins," and have made the following amendments thereto, with the adoption of which they recommend the passage of the bill:

First Amendment. In the third line of the first section of the bill, after the word "South," strike out "East," and insert "West."

Second Amendment. In the fourth line of the same section, after the word "county," strike out the words, "thirty-one miles South of Red River."

Third Amendment. In the fourth line of the second section, after the word "of," strike out the word "Representation," and insert, in lieu thereof, the word "separate."

Fourth Amendment. In the fifth line of the same section, after the word "Representation," insert, "and separate Land District."

A petition from the citizens of Nacogdoches county north of the river Neches, praying for the establishment of a mail route; and a petition from citizens living in Mercer's colony, praying for relief, and asking for a confirmation of their land titles, upon the terms and condition as set forth and prescribed in an ordinance made by the convention, have also been investigated

and considered by the committee: They beg leave to report them back to the House, and respectfully to recommend, that the *former* be referred to the committee on Post Roads and Mail Routes, and the *latter* to the committee on Public Lands.

[Signed]

VAN R. IRION,

Chairman.

On motion of Mr. Brown, that portion of the report relative to *Mail Routes* was adopted.

On motion, the balance of said report was laid upon the table, to come up among the orders of the day.

Mr. Russell, Chairman of the committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, }
March 13, 1846. }

Hon. Edward. T. Branch,

Speaker of the House of Representatives;

The committee on Engrossed Bills, have examined the following bills, and find the same correctly engrossed:

A bill, to be entitled, "An act to create the county of Lavaca."

A bill, to be entitled, "An act to provide for fixing the county seat of Justice of the county of Austin;

A bill, to be entitled, "An act to locate the county seat of De Witt county;"

A bill, to be entitled, "An act defining the duties of the Attorney General of the State of Texas;"

A bill, to be entitled, "An act defining the duties of District Attorneys;" and

A bill, to be entitled, "An act regulating the proceedings against persons accountable for public moneys."

[Signed]

A. J. RUSSELL,

Chairman.

Report read and accepted.

Mr. Smith, of Rusk, offered the following resolution.

Resolved, That the Speaker instruct the Clerk of the House to place upon the journals, the names of all the members present, at each meeting of the House.

Resolution read and adopted.

Mr. Adams offered the following resolution:

Resolved, That the committee on Public Lands inquire into the condition of the colony settlements, made under any colo-

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A bill, to be entitled, "An act to provide for the protection and security of the present county seats of the various counties of the State of Texas, that were established and organized under the Constitution and laws of the Republic of Texas," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on County Boundaries.

A bill, to be entitled, "An act for the protection of widows and orphans, was taken up, and

Read a second time.

On motion the bill was referred to the committee on the Judiciary.

A message was received from the Senate, informing the House of the passage of the following bills, &c., by that body.

A "Joint Resolution, instructing our Senators in Congress, to apply to the Government of the United States for a copy of the Acts and Journals of the Congress, and for a copy of the Decisions of the Supreme Court;"

A bill, to be entitled, "An act to remove the disability of minority from Louis O. Durst;" and

A "Joint resolution, to provide for the destruction of Exchequer Bills and Promisory Notes," redeemed by the Government."

A bill, to be entitled, "An act to establish the county of _____," was taken up, and

Read a second time.

On motion of Mr. McNeill, the bill was referred to a Select Committee.

The Speaker appointed Messrs. Truit, White, Swift, Jones, and Sadler, to compose said committee.

A bill, to be entitled, "An act to provide for the location of the county site of the county of Calhoun," was taken up, and

Read a second time.

On motion of Mr. Rose, the blank in the bill was filled by inserting "the first day of April."

On further motion, the name of "Stores" was stricken out, and "Thomas Duke" inserted.

On motion, the bill was then ordered to be engrossed.

A "Joint Resolution, instructing our Senators, and requesting our Representatives, in the Congress of the United States, to procure the establishment of certain mail routes," was taken up, and

Read a second time.

Mr. Gilliam moved to strike the word "Moggins" out of the resolution, and insert "Newgent."

Motion carried.

Mr. Russell moved that the resolution be referred to a special committee, comprising members from the several judicial districts.

Mr. Burroughs offered the following as an amendment to the resolution:

"Route No. ——. Jasper Court House, *via* Lipscomb; Norvel, *via* Milam, *via* G. W. Slaughter's; Hamilton, *via* Shelbyville, to Clarksville.

Amendment adopted.

Mr. Holland moved to amend the resolution, so as to read, after the word "Mount," in the eighth section, "Mourn, to Shreveport, Louisiana."

Amendment adopted.

Mr. Erath offered the following as an amendment to the resolution:

"In Route No. —, from Independence to the Falls of the Brazos, *via* Caldwell and the county site of Milam county.

Amendment adopted.

The sense of the House was then taken on Mr. Russell's motion for the reference of the resolution, and

The motion was carried.

On motion of Mr. Perkins, another member from each Judicial District, was added to the said Special committee, as follows:

Messrs. Pattillo, Perkins, Railey, Smith of Rusk, Redgate, Rose, Cazenau, and Barry.

A bill to be entitled, "An act to exempt from taxation, two hundred and fifty dollars worth of household furniture," was taken up, and

Read a second time.

On motion of Mr. Gray, the bill was referred to the committee on Finance.

A bill to be entitled, "An act, to create the county of Polk," was taken up, and

Read a second time.

On motion of Mr. Charlton, the second section of the bill, was amended, so as to read, after the word "Legislature," "and separate Land District."

Mr. Dickson moved that the bill be referred to a Select committee.

On motion of Mr. White, the word "suffrage," in the second

section of the bill, before the word "Representative," was stricken out.

On further motion, the bill was passed to a third reading.

A bill to be entitled, "An act to authorize parties to suits to appear therein, in person," was taken up, and

Read a second time.

On motion of Mr. Sadler, the bill was referred to the committee on the Judiciary.

On motion of Mr. Barry, the House adjourned until three o'clock, P. M.

THREE O'CLOCK P. M.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Brown, Cazenau, Charlton, Clark, Cooke, Cronican, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gillett, Gilliam, Gooch, Holland, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo, Pease, Perkins, Perry, Redgate, Rose, Russell, Sadler, Savage, Stevenson, Smith of Harris, Smith of Rusk, Swift, Sublett, Truit, White, Williams and Willie.

A quorum being present, the House proceeded to business.

A message was received from his Excellency, the Governor, through the hands of Stephen Z. Hoyle, Esq., Private Secretary to the Executive, informing the House that the Governor had approved and signed a bill entitled, "An act to provide an appropriation, for the payment of the mileage, and *per diem* pay, of the members of the Legislature of the State of Texas."

Mr. Mabry moved that a bill to be entitled, "An act to raise a revenue by taxation," be taken up.

Motion lost.

A Joint Resolution, concerning the protection of the frontier, was taken up, and

Read a second time.

On motion, the Joint Resolution was passed to a third reading.

On motion of Mr. Edwards of Nacogdoches, the bills creating the counties of Smith and Cherokee, were taken up, and

Read a second time.

On further motion, the bills were referred to the committee on County Boundaries.

A bill to be entitled, "An act to legalize and make valid, the official acts of Chief Justices, while sitting as Boards of Land Commissioners, between the first Monday of September, eighteen hundred and forty-five, and the first day of January, eighteen hundred and forty-six," was taken up, and

Read a second time.

On motion of Mr. Cazenau, the bill was referred to the committee on Public Lands.

A bill to be entitled, "An act to exclude from office, serving on juries, and from the right of suffrage, all persons who may hereafter be convicted, and upon whom final judgment has been executed, of Bribery, Perjury, subornation of Perjury, Forgery, Counterfeiting, Grand Larceny, or Treason, against this State, or the United States," was taken up, and

Read a second time.

On motion of Mr. Sublett, the bill was referred to the committee on the Judiciary.

A bill to be entitled, "An act to organize the county of Burleson," was taken up,

Read a third time and passed.

A bill to be entitled, "An act to create the county of Wharton," was taken up,

Read a third time and passed.

A bill to be entitled, "An act, to define the boundaries of Fort Bend county," was taken up,

Read a third time and passed.

A bill to be entitled, "An act to locate the county seat of La Vaca county," was taken up,

Read a third time and passed.

A bill to be entitled, "An act to enable the County Surveyor of Rusk county, to make a complete map of said county," was taken up, and

Read a third time and passed.

On motion of Mr. Bourland, the bill to be entitled, "An act to create the county of Hopkins," was taken up, and

Read a second time.

Mr. Gooch moved that the bill be referred to a Special committee.

Motion lost.

Mr. Bourland moved to amend the bill as follows:

In the third line of the first section of the bill, after the word "south," strike out "east" and insert "west."

In the fourth line of the same section, after the word "county," strike out the words "thirty one miles south of Red River."

In the fourth line of the second section of the bill, after the word "of," strike out the word "Representation" and insert, in lieu thereof, the word "separate."

In the fifth line of the same section, after the word "Representation," insert "and a separate Land District."

Also, strike out the entire third section of the bill.

Amendments adopted, and,

On motion, the bill was passed to a third reading.

The substitute for a bill to be entitled, "An act to create and organize the county of Tyler," was taken up,

Read and adopted.

On motion, the bill was then ordered to be engrossed.

The resolution, offered on yesterday, instructing the committee on Public Printing, to receive sealed proposals, for printing ——— copies of the laws passed by the present Legislature, was taken up.

Mr. Cazenau moved that the blank be filled with "500."

Mr. Pease moved that the blank be filled with "1000."

On motion of Mr. Brown, the resolution was laid upon the table until Monday next.

A bill to be entitled, "An act for the relief of James Gilliam, assignee of Jesse Billingsly," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Public Lands.

A bill to be entitled, "An act regulating appeals to the Supreme Court, in criminal cases," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill to be entitled, "An act to define the boundaries of Robertson county," was taken up, and

Read a second time.

On motion of Mr. Milican, the bill was referred to the committee on County Boundaries.

A bill to be entitled, "An act to define the limits and boundaries of Jackson county," was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill to be entitled, "An act for the relief of Milton Hicks," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Public Lands.

A bill to be entitled, "An act to carry into effect the latter clause of the twenty-second section of the General Provisions of the Constitution of the State of Texas," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill to be entitled, "An act to connect Galveston Island with the main land, at Virginia Point," was taken up, and

Read a first time.

A bill to be entitled, "An act to establish the county seat of Milam county," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on County Boundaries.

A bill to be entitled, "An act to incorporate the society of Free Masons," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

Mr. Miller, by leave, introduced a bill to be entitled, "An act to incorporate the town of Crockett."

Bill read a first time.

A bill to be entitled, "An act to release the county of Fannin from a certain portion of the debt of said county, due the county of Grayson," was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill to be entitled, "An act to incorporate the Huntsville Academy," was taken up, and read a second time.

On motion, the bill was ordered to be engrossed.

A bill to be entitled, "An act to define the boundary of Matagorda county," was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill to be entitled, "An act to prevent the commission of crimes and misdemeanors," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

The substitute for a bill to be entitled, "An act regulating Roads, Ferries, Bridges, &c.," was taken up, and

Read and adopted.

On motion of Mr. Perkins, the bill was laid upon the table.

Mr. Russell moved that the House adjourn until eight o'clock, P. M.

Motion lost.

On motion of Mr. Durham, the House adjourned until to-morrow morning, nine o'clock.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, SATURDAY, }
March 14th 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Bourland, Brown, Burroughs, Charlton, Clark, Dickson, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gillett, Gilliam, Gooch, Holland, Hudson, Irion, Jones, Keenan, McClarty, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Ogden, Pattillo, Pease, Perry, Railey, Rayner, Redgate, Rose, Ryburn, Sadler, Savage, Stevenson, Smith of Rusk, Sublett, Tankersly, Truit, White, Williams and Willie.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Miller presented the petition of Hardy Ware—praying for relief.

Petition read, and,

On motion, referred to the committee on Public Lands.

Mr. Gray, chairman of the committee on the Judiciary, made the following report:

COMMITTEE ROOM, }
March 12th 1846. }

*To the Honorable Speaker
of the House of Representatives:*

The committee on the Judiciary, to whom was referred a bill, to be entitled "An act, incorporating the Angelina Navigation Company," with the report of the committee on Inter-

nal Improvements—adopted by the House, asking for the opinion of the committee on the Judiciary, as to the constitutionality of said bill; have had the same under consideration, and instruct me to report, that the question submitted, is one of vast importance, requiring a thorough investigation of constitutional law, in order to give a decided opinion; and that they have not the means, at hand, to give that investigation.

There is a division of opinion, among the members of the committee, on the question submitted; but the privilege, asked in the bill, is of such short duration; and the object, intended to be attained, is of so great public utility, that, a majority of the committee, concur in recommending the bill to the favorable consideration of the House.

[Signed]

P. W. GRAY,
Chairman.

Report read, and, together with the bill, laid upon the table, to come up in their regular order.

Mr. Tankersly, chairman of the committee on Finance, made the following report:

*To the Speaker
of the House of Representatives:*

The committee on Finance, having had under consideration a bill, to be entitled "An act, defining the county boundaries of Goliad county," instruct me to return the same to the House, and to recommend its reference to the committee on County Boundaries.

I am, also, instructed by the committee to return to the House the petition of Archibald Kell, and to recommend the same to be indefinitely postponed, the prayer of the petitioner being for the privilege of vending merchandise, in the counties of Rusk, Nacogdoches and Houston, *without license* therefrom.

[Signed]

B. F. TANKERSLY,
Chairman.

Report, bill, and petition received, and laid upon the table, to come up in their regular order.

Mr. Irion, chairman of the committee on county boundaries, made the following report:

*To the Honorable E. T. Branch,
Speaker of the House of Representatives:*

The bill, recommitted to the committee on County Boundaries, to be entitled "An act, establishing and creating the coun-

ty of Panola," has been examined, and amended as follows; and, with the adoption of said amendments, the passage of the bill is recommended.

In the first section of the bill, strike out all after the word "thence," in the tenth line, to the word "thence," in the fifteenth line; and insert the following:

"With the original line of Rusk county, to the North West Corner of Shelby County."

In the third section of the bill, strike out all after the word "purchase," in the seventeenth line, and insert "for said county, such quantity of land, *not exceeding one hundred and sixty acres*, as may be necessary for erecting public buildings, and other purposes; or they may receive any amount that may be offered as a donation."

All of which is most respectfully submitted.

[Signed]

VAN R. IRION,
Chairman,

Amendments adopted, and the bill laid upon the table, to come up in its regular order.

Mr. Sublett, chairman of the committee, on the part of the House, appointed to confer with a like committee on the part of the Senate, upon the amendments of the House, to the Senate's bill, entitled "An act, authorizing the Governor of the State of Texas, to cede and transfer all public property, of what description soever, embraced in, and contemplated by, the joint resolutions of the Congress of the United States; approved, 1st March, 1845," reported thereon.

Mr. Bourland moved, that the House concur in the report of the committee of Conference, so far as relates to striking out.

Motion carried.

Mr. Tankersly moved, that the rule be suspended, in order that the substitute might be adopted.

On motion of Mr. Brown, the report was laid upon the table.

Mr. Gooch offered the following resolution:

Resolved, That his Excellency, the Governor of the State of Texas, be requested to lay before the Legislature, the probable amount of the current annual expenses of the State of Texas, in the administration of the Government—noting the expenses of each department of the Government---and, also, the amount of money in the Treasury, as near as may be.

Resolution read, and laid upon the table, one day, for consideration.

Mr. Sublett offered the following resolution:

Resolved, That a committee of nine be appointed, on the

part of the House, to be selected by the Speaker in the following manner, to wit: Three from east of the Trinity river—three from between the Trinity and Brazos rivers, and three from west of said Brazos river; and that the honorable Senate be requested to appoint a like committee, to act in conjunction with said committee on the part of the House. The duty of said joint committee shall be, to select three of the most suitable and prominent points, in the State, for the holding of the Supreme Court---and that said committee be required to report a bill, to their respective Houses, fixing the times and places of holding said Supreme Court.

Resolution read and adopted.

Mr. Jones moved, that the vote of the House, just taken on, the adoption of the foregoing Resolution, be reconsidered.

Motion carried.

On motion of Mr. Tankersly, the resolution was laid upon the table, until Monday next.

Mr. Cronican offered the following resolution:

Resolved, That the Clerk of the House of Representatives. be required to procure a clock, or time-piece, for the use of the House.

Mr. Miller moved that the resolution be laid upon the table.

Motion carried.

Mr. McNeill offered the following resolution:

Resolved, That the committee on the Judiciary, be requested to make a report, to this House, at as early a day as possible, on the propriety and expediency, of holding the Supreme Court at different places in this State.

Resolution read and adopted.

Mr. Willie introduced a bill, to be entitled "An act, to create to county of *"Blox."*

Bill read a first time.

Mr. Gray moved, that the rule of the House, which requires bills to be read on three several days, be suspended,

Motion lost.

Mr. Edwards, of San Augustine, by leave, introduced a bill, to be entitled "An act, providing for arbitrations and references."

Bill read a first time.

Mr. Redgate, by leave introduced a bill, to be entitled "An act, to locate the county seat of Wharton County."

Bill read a first time.

Mr. Gillett offered the following resolution:

Resolved, That, whenever there shall be a call of the House

it shall be the duty of the Clerk, to note and record the absences, on the Journals.

Resolution read and adopted.

Mr. McClarty offered the following resolution:

Resolved, by the Legislature of the State of Texas, That the position, taken by President Polk, in relation to the claim of the United States' Government to Oregon Territory, is one dictated by the highest principles of patriotism and political wisdom; and, as such, has given to the American people, renewed assurance, that under the administration of James K. Polk, American *rights* will be preserved unmolested; and American *honor* remain untarnished.

Resolution read a first time.

On motion of Mr. Burroughs, the House proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled "An act, to create the county of Hopkins," was taken up.

Read a third time and passed.

A bill, to be entitled, "An act, to incorporate the town of Bonham, in Fannin county," was taken up; and, in compliance with the the request of the committee on State Affairs, to whom it had previously been committed, the bill was

Referred to the committee on the Judiciary.

A bill, to be entitled "An act, to repeal an act, to provide for the establishment of Peace, and to regulate friendly intercourse with Indians," was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill, to be entitled "An act, to connect Galveston Island with the main land, at Virginia Point," was taken up, and

Bill read a second time.

On motion of Mr. Tankersly, the bill was referred to the committee on the Judiciary.

A "joint Resolution, concerning the protection of the frontier," was taken up,

Read a third time and passed.

A joint Resolution, requesting our Senators, in the United States' Congress, to apply to the Government of the United States, for a copy of the acts and Journals of the Congress, and a copy of the decisions of the Supreme Court of the United States;" was taken up, and

Read a first time.

A bill, to be entitled "An act, to remove the disability of minority from Louis O. Durst," was taken up, and

Read a first time.

A bill, to be entitled "An act, to create the county of Polk," was taken up,

Read a third time and passed.

A joint resolution, for the destruction of Exchequer Bills and Promissory Notes, redeemed by the Government," was taken up, and

Read a first time.

On motion of Mr. Dickson, the substitute for a bill, to be entitled "An act, to exempt certain property from forced sale," was taken up.

Mr. McFarland moved, to amend the bill, by inserting; after the word "———," *Be it further enacted*, That the provisions of this act, shall not be considered as exempting any of the property described, from forced sale for direct or license taxes, or any other public dues."

Mr. White moved to amend the amendment as follows:

Be it further enacted, That the provisions contained in the foregoing sections, shall not be so construed, as to exempt property from forced sale, under execution, where a judgment may be obtained, for damages done, fines imposed, or forfeitures, on any bond where the State is interested, or for State or county tax."

Amendment rejected.

Mr. Burroughs moved, to amend the amendment as follows:

"Nor for a *fine*, imposed by any court of competent jurisdiction."

On motion of Mr. Bourland, the bill was laid upon the table, to come up, as the special order of the day, on Monday, at three o'clock P. M.

A bill, to be entitled "An act, to incorporate the town of Crockett," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

The substitute for a bill, to be entitled "An act, regulating and defining the duties of Assessors and Collectors of revenue of the State of Texas," was taken up, and

Read.

On motion of Mr. Bourland, the substitute was adopted.

On motion of Mr. McFarland, one hundred copies of the bill, were ordered to be printed, for the use of the House.

On motion of Mr. Clark, the report of the committee on county boundaries, was taken up, and the bill, to be entitled "An act, to create the county of Panola," was

Read and adopted.

On motion, the bill was then read a third time and passed.

Mr. Brown made the following report:

The select committee to whom was referred a bill to be entitled, "An act, to create the county of Dallas," have directed me to report the bill back to the House, and to recommend the passage of the same.

Report and bill received, and laid upon the table, to come up in their regular order.

On motion of Mr. Burroughs, the House adjourned, until Monday morning, ten o'clock.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, MONDAY, }
March, 16th, 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Bourland, Burroughs, Charlton, Clark, Cronican, Dickson, Dupree, Durham, Echols, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Hudson, Irion, Keenan, McClarty, McCown, McFarland, McNeill, Miller, Milican, Mullens, Noble, Pattillo, Pease, Perkins, Perry, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Rusk, Sublett, Tankersly, Truit, and Williams.

A quorum being present, the House proceeded to business.

The Journal of Saturday the fifteenth instant, was read and adopted.

The Hon. Edward T. Branch, having declined the honor of longer acting as Speaker of the House of Representatives, addressed the House as follows:

*Gentlemen of the
House of Representatives:*

The Hon. Wm. E. Crump, the first Speaker elect of this

House, I learn, has arrived in Austin. This gentleman left here on the — ultimo, upon leave of absence for two weeks, with the understanding, both on his part and upon that of the House, that upon his return, he should again resume the Speaker's chair. The House, for reasons spread upon the journals, have deemed it necessary to elect another Speaker, which resulted in the choice of myself.

Justice, gentlemen, to the Hon. Wm. E. Crump, and respect to the opinions of those who differed in opinion with the action of a majority, upon the necessity of electing another Speaker, during the absence of Mr. Crump, induce me to tender to the House my resignation of the office of Speaker, and respectfully request its acceptance.

When I reflect, gentlemen, upon the peculiar circumstances under which I assumed the duties of this chair, consequent upon the diversity of opinion, already referred to, I cannot too highly appreciate the courtesy and respect, with which I have been treated by every member of this House; and if it has been my good fortune to discharge the duties of this chair, during the short period I have had the honor to fill it, in a manner satisfactory to all, it can only be attributed to the support and assistance I have received at your hands.

On motion of Mr. McClarty, the resignation of the Speaker was accepted.

On further motion, the House proceeded to the election of a Speaker, to fill the vacancy, occasioned by the resignation of the Hon. E. T. Branch.

On motion of Mr. Brown, the Chair appointed Messrs. Durham, Perkins, and McClarty, Tellers.

Mr. Crump, being put in nomination by Mr. Gray, and there being no other nomination, the House proceeded to vote by ballot.

On counting out the votes, it appeared that

Mr. Crump received 42 votes.

“ Branch “ 14 “

“ Clark “ 1 “

“ Gooch “ 1 “

Mr. Crump, having received a majority of all the votes given, was declared duly and constitutionally elected Speaker of the House of Representatives of the Legislature of Texas.

On motion of Mr. Gray, a committee was appointed to wait upon the Hon. Wm. E. Crump, the Speaker elect, and conduct him to the chair.

Mr. Pease offered the following resolution:

Resolved, That the thanks of this House are hereby tendered to the Hon. E. T. Branch, for the able and impartial manner in which he has discharged the duties of the office of Speaker, Resolution read, and unanimously adopted.

A message was received from the Senate, informing the House of the passage of a bill to be entitled, "An act to protect religious denominations, in the peaceable enjoyment of their own mode of Divine Worship."

The House was also informed, that the Senate had concurred in the amendments of the House, to a bill to be entitled, "An act creating the county of Leon."

And a bill to be entitled, "An act creating the county of Grayson."

Mr. Williams offered the following resolution :

Resolved, by this House, That we proceed to the election of a Reporter, at four o'clock this afternoon.

The Honorable Wm. E. Crump was ushered into the Representative Hall, by the committee appointed for that purpose, and conducted to the Speaker's chair; after which, he arose and addressed the House in a few chaste and pertinent remarks.

The question recurred on the adoption of Mr. Williams' resolution.

Mr. Bourland moved to amend the resolution, by inserting, "to-morrow, at eleven o'clock."

Mr. Miller moved that the resolution and amendments, be laid upon the table.

Motion carried.

On motion of Mr. Rayner, Mr. Railey was granted leave of absence for two weeks.

On motion of Mr. Cazenau Mr. Howard, member elect from the county of Bexar, came forward, presented his credentials, and took the oath prescribed by the Constitution of the State of Texas, and his seat.

Mr. Rose presented a memorial, for the incorporation of an Association, to be called "The Texas Monumental Association."

Memorial read, and

On motion, referred to the committee on State Affairs.

On motion of Mr. McClarty, Mr. Howard was added to the committee on the Judiciary and Finance.

On further motion, Mr. Howard was added to the committee on Education.

Mr. Stewart presented a memorial, from a portion of the citizens of Montgomery county, praying for a division of said county.

Mr. Stewart also presented a petition, from the citizens of the same county, praying for the organization of a new county.

Memorial and petition read, and

On motion, referred to the Select committee, to whom was committed a petition for the division of the same county, on a previous day, consisting of Messrs. Truit, Jones, White, Sadler, and Swift.

Mr. Tankersly, Chairman of the committee on Finance, made the following report :

*To the Honorable Speaker of the
House of Representatives :*

The committee on Finance, having had under consideration a bill to be entitled, "An act regulating and defining the duties of collectors of the direct taxes and revenue of the State of Texas," instruct me to report a substitute for the original bill, and to recommend it to the favorable consideration of the House.

[Signed]

B. F. TANKERSLY,
Chairman.

Report, bill and substitute received, and laid upon the table, to come up in their regular order.

Mr. Gray, Chairman of the committee on the Judiciary, made the following report :

COMMITTEE ROOM, }
March 14th, 1846. }

*To the Honorable Speaker of the
House of Representatives :*

The committee on the Judiciary have considered a bill, (from the Senate,) to be entitled, "An act prescribing and defining the time, at which all laws, that may be hereafter enacted, shall have, and go into effect," and instruct me to report the same back to the House, with the following amendments :

First. In the caption of the bill, between the words "laws" and "enacted," strike out the words, "that may be hereafter."

Second. Strike out all in section first, after the word "Texas," and substitute, "That every law enacted by the Legislature, shall commence and be in force, with the commencement of the fortieth day, after the day of the adjournment of the ses-

sion of the Legislature, at which such law may be passed—unless, in the law itself, another time for the commencement thereof, be particularly mentioned.”

With these amendments, the committee recommend the passage of the bill.

They, also, have instructed me, to return to the House, a bill to be entitled, “An act to prescribe the time at which laws shall go into effect, (which bill originated in the House,) and to recommend that it be laid upon the table.

[Signed]

P. W. GRAY.

Chairman.

Report, bills and amendments received, and laid upon the table, to come up in their regular order.

Mr. Clark, chairman of the committee on State Affairs, made the following report:

COMMITTEE ROOM, }
March 16th, 1846. }

*To the Honorable Speaker of the
House of Representatives:*

The committee on State Affairs, have had under consideration a bill to be entitled, “An act to prescribe the time of the biennial meeting of the Legislature of the State of Texas,” and have made the following amendment thereto, to wit:

Strike out the word “first,” in the fifth line of the first section of the bill, and insert “second.” With this amendment, they have instructed me to report the same back to the House, and to recommend its passage.

[Signed]

E. CLARK,

Chairman.

Report, bill and amendment received, and laid upon the table, to come up in their regular order.

Mr. Irion, Chairman of the committee on County Boundaries, made the following report:

The committee on County Boundaries, to whom was referred a bill to be entitled, “An act to establish the county seat of Milam county,” have instructed me to report the same back to the House, and to recommend its passage.

Report and bill received and laid upon the table, to come up in their regular order.

Mr. Holland introduced a bill to be entitled, "An act providing for the registration of the separate property of married women."

Bill read a first time.

Mr. Perry introduced a bill to be entitled, "An act requiring the Commissioner of the General Land Office, to issue patents, in certain cases."

Bill read a first time.

Mr. Brown introduced a bill to be entitled, "An act to create the county of Henderson."

Bill read a first time.

Mr. McCown introduced a bill to be entitled "An act to provide for the return of surveys, from new counties, established by the first Legislature."

Bill read a first time.

Mr. Cooke introduced a bill to be entitled, "An act requiring the Commissioner of the General Land Office, to issue a certificate for six hundred and forty acres of land, to Sam. Davis." Bill read a first time.

Mr. Eddy introduced a bill to be entitled, "An act to authorize the Governor to offer a reward for fugitives."

Bill read a first time.

Mr. Cazenau introduced a bill to be entitled, "An act for the incorporation of the city of Austin."

Bill read a first time.

Mr. Miller offered the following resolution:

Resolved, by the Legislature of the State of Texas, That no new county be hereafter created, unless upon the petition of at least one hundred legal voters, residents within the territory, proposed to be formed into such new county.

Resolution read a first time.

Mr. McFarland introduced a bill to be entitled, "An act to create the office of County Treasurer, and to define the duties thereof."

Bill read a first time.

Mr. Cazenau introduced a bill to be entitled, "An act for the relief of Master Builders and Mechanics of Texas."

Bill read a first time.

Mr. Perkins moved that the House stand adjourned, until three o'clock, p. m.

The yeas and nays were called, on the adoption of Mr. Perkins' motion, and stood as follows:

Yeas. Messrs. Adams, Branch, Bourland, Brown, Burroughs, Cazenau, Cooke, Cronican, Dickson, Dupree, Durham, Edwards

of Nacogdoches, Eddy, Gillett, Gooch, Hudson, Jones, McCown, McFarland, McNeill, Muckleroy, Noble, Pattillo, Pease, Perkins, Redgate, Ryburn, Smith of Rusk, Sublett, Williams, and Willie—30.

Nays. Messrs. Speaker, Barry, Charlton, Clark, Echols, Edward of San Augustine, Gray, Gilliam, Irion, Keenan, Miller, Milican, Mullens, Ogden, Perry, Rayner, Rose, Russell, Sadler, Savage, Stewart, Smith of Harris, Swift, Tankersly, Truit, and White—26.

So the motion to adjourn, was carried.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names :

Messrs. Speaker, Adams, Bourland, Brown, Charlton, Clark, Cronican, Dickson, Echols, Edwards of Nacogdoches, Eddy, Frath, Gray, Gillett, Gilliam, Gooch, Irion, Jones, Keenan, Mabry, McCown, McFarland, McNeill, Miller, Milican, Mullens, Noble, Pattillo, Pease, Perkins, Rayner, Redgate, Rose, Sadler, Savage, Stevenson, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truit, White, Williams, and Willie.

A quorum being present, the House proceeded to business.

Mr. Smith of Harris, made the following report :

The special committee, to whom was referred a bill to be entitled, "An act to provide for the incorporation of all Lodges, of the Independent Order of Odd Fellows," have directed me to report the same back to the House, with amendments ; with the adoption of which, they recommend the passage of the bill.

Report, bill and amendments received, and laid upon the table, to come up among the orders of the day.

Mr. Gray, Chairman of the committee on the Judiciary, made the following report :

COMMITTEE ROOM, }
March 16th, 1846. }

*To the Honorable Speaker of
the House of Representatives:*

The committee on the Judiciary, to whom was referred a bill to be entitled, "An act to limit suits on claims, created

and originating beyond the limits of Texas, prior to the twenty-third day of June, eighteen hundred and forty-five," have had the same under consideration; and a majority of the members of the committee, present at the consideration, have instructed me to report the enclosed substitute, entitled, "An act to limit suits, on claims contracted between parties, non-residents of the Republic of Texas; which fell due on or before the twenty-third day of June, eighteen hundred and forty-five." The adoption and passage of which substitute, they respectfully recommend.

To the foregoing report, the minority of the committee, present at the consideration of said bill, respectfully dissent, and desire their names to be mentioned in this report.

The minority consists of the Chairman, E. M. Pease, and S. A. Miller.

All of which is respectfully submitted, for the consideration of the House.

[Signed]

P. W. GRAY,
Chairman.

Report, bill, and substitute received, and laid upon the table to come up in their regular order.

Mr. Gray, Chairman of the committee on the Judiciary, also made the following report:

COMMITTEE ROOM, }
March 16th 1846. }

*To the Honorable E. T. Branch,
Speaker of the House of Representatives:*

The committee on the Judiciary have considered a bill, (from the Senate,) to be entitled, "An act to exclude from office, serving on juries, and from the right of suffrage, all persons who may hereafter be convicted, and upon whom final judgment has been executed, of bribery, perjury, subornation of perjury, forgery, counterfeiting, grand larceny, or treason against this State, or the United States," and have instructed me to report the following amendments thereto, viz:

First. In the caption, strike out the words, "and upon whom final judgment has been executed." Also, strike out the word "grand," before "larceny," and insert the words, "or other felony," after the word "larceny."

Second. In the third line of the first section, strike out the words, "and upon whom final judgment has been executed."

In the fifth line of the same section, strike out the word "grand," before "larceny," and insert the words, "or other felony," after the word larceny.

Third. Strike out the whole of the second section of the bill.

The committee instruct me to report, that they recommend striking out the words, "and upon whom final judgment has been executed," because those words are a *limitation* upon the *express* direction of the Constitution, as expressed in the fourth and seventh sections of that instrument.

They further instruct me to report, that so far as one or two of the crimes, named in the bill, are concerned, they cannot see how it would be possible for any one, convicted and punished for those crimes, to hold office, serve on juries, or vote.

[Signed.]

P. W. GRAY,

Chairman.

Report, bill, and amendments received, and laid upon the table, to come up in their regular order.

On motion of Mr. Dickson, Messrs. Erath and Bourland were added to the committee on the Land Office.

Mr. Pattillo introduced a bill, to be entitled, "An act to regulate the time and mode of electing county officers, and fixing their term of office."

Bill read a first time.

Mr. Willie introduced a bill, to be entitled, "An act to prescribe the mode of authenticating the answers to interrogatories, taken without the limits of this State."

Bill read a first time.

Mr. Gray introduced a bill, to be entitled, "An act to avoid further confusion in the land system of Texas."

Bill read a first time.

Mr. Cooke introduced a bill, to be entitled, "An act authorizing the issuing and re-approval of land warrants."

Bill read a first time.

Mr. Smith, of Rusk, introduced a bill, to be entitled, "An act for the relief of Seth Marvin."

Bill read a first time.

Mr. Smith, of Rusk, also introduced a bill, to be entitled, "An act for the relief of E. G. Rector."

Bill read a first time:

On motion of Mr. Tankersly, the House proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled, "An act to remove the disability of minority from Louis O. Durst," was taken up, and

Read a second time.

On motion of Mr. Gillett, the bill was laid upon the table, until the 15th of June.

A "Joint Resolution, instructing our Senators in the Congress of the United States, to apply to the Government of the United States, for a copy of the Acts and Journals of the Congress, and for a copy of the decisions of the Supreme Court," was taken up, and

Read a second time.

On motion of Mr. Tankersly, the Joint Resolution was referred to the committee on the Judiciary.

A "Joint Resolution, to provide for the destruction of Exchequer Bills and Promisory Notes, redeemed by the Government," was taken up, and

Read a second time.

On motion of Mr. Mabry, the Joint Resolution was referred to the committee on Finance.

A bill, to be entitled, "An act to create the county of Blox," was taken up, and

Read a second time.

On motion of Mr. Sadler, the bill was indefinitely postponed.

A bill, to be entitled, "An act to create the county of Wharton," was taken up,

Read a third time, and passed.

A "Joint Resolution (introduced on a previous day) relative to the position taken by the President of the United States on the question of the Oregon Territory," was taken up, and

Read a second time.

On motion, the Joint Resolution was ordered to be engrossed.

A bill, to be entitled, "An act to authorize the Governor to make the necessary preparations to transfer to the United States certain property," was taken up, and

Read a second time.

On motion of Mr. Miller, the bill was amended as follows:

After the word "enacted," insert, "by the Legislature of the State of Texas."

On motion of Mr. Gray, the bill was further amended, as follows:

"*Provided, however,* That nothing in this act, or in the deed, or deeds, made in pursuance thereof, shall be so construed as

to prevent the execution of any process whatever, by the officers of this State, in the jurisdiction hereby authorized to be ceded."

On motion of Mr. Brown, the bill was ordered to be engrossed.

Mr. Bourland offered the following resolution:

Resolved, That it is expedient, in order to facilitate the business of the House, that the Enrolling and Engrossing Clerks shall be under the control of the Speaker and the Chief Clerk of the House, to assist in the general business, when not employed in duties pertaining particularly to their respective offices.

Resolution read and adopted.

A bill, to be entitled, "An act providing for arbitrations and references," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act to create the county of Dallas," was taken up, and

On motion, passed to a third reading.

On motion of Mr. Bourland, Mr. Cazenau was added to the committee on Public Lands.

A "Resolution (offered on a previous day) requiring his Excellency, the Governor, to lay before the Legislature certain information," was taken up,

Read, and adopted.

A bill, to be entitled, "An act fixing the time when all laws shall have, and go into effect," with the amendments thereto, offered by the committee, was taken up.

Amendments read and adopted.

On motion, the bill was then passed to a third reading.

A bill, to be entitled, "An act to authorize parties to suits to appear therein in person," with the amendments thereto, proposed by the committee, was taken up.

Amendments read and adopted.

On motion, the bill was passed to a third reading.

A bill, to be entitled, "An act to prescribe the time of the biennial meeting of the Legislature," as amended, was taken up, and read a second time.

On motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act to establish the county seat of Milam county," was taken up, and

Read a second time.

On motion of Mr. Erath, the bill was ordered to be engrossed.

On motion of Mr. Dickson, the House adjourned until ten o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES,
CITY OF AUSTIN, TUESDAY,
March 17th 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Branch, Bourland, Brown, Burroughs, Cazenau, Charlton, Clark, Cooke, Dickson, Durham, Echols, Edwards of San Augustine, Eddy, Gillett, Gilliam, Holland, Howard, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, McNeill, Milican, Muckleroy, Mullens, Noble, Pattillo, Perkins, Perry, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Rusk, Swift, Sublett, Tankersly, Truit, White, Williams, and Willie.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Pease presented the memorials of General James Hamilton, James Holford, and William S. Whitmore—memorializing for relief.

Mr. Pease then offered the following resolution, with accompanying documents:

Resolved, That the memorials of James Hamilton, James Holford, and William S. Whitmore, be, and the same are hereby, referred to a Select committee, of five; and that the Senate be requested to appoint a like committee, to act jointly with the committee of this House.

Resolution read and adopted.

The Speaker then appointed Messrs. Pease, Bourland, Howard, Gray, and McNeill, to compose said committee.

On motion of Mr. Perkins, Mr. Jones was added to the committee on the Land Office.

Mr. Irion, Chairman of the committee on County Boundaries; made the following report:

The committee on County Boundaries, to whom was referred a bill to be entitled, "An act to define the boundaries of Robertson county," have directed me to report the same back to the House, with the following amendments:

Insert, after the word "river," in the eighth line of the first section, "twenty-five hundred varas above," and strike out the word "to," in the same section.

The committee have, also, had under consideration, a bill to be entitled, "An act, to provide for the protection of county seats, established under the Constitution and Laws of the Republic of Texas," and have instructed me to report the bill back to the House, with the subjoined amendments:

Strike out all after the word "and," in the eighth line of the first section, to the word "the," in the twelfth line of the same section.

The committee have, also, considered a bill to be entitled, "An act creating the county of Smith," and have directed me to substitute the following, as amendments to the same:

Strike out all, after the words to "wit," in the fourth line of the first section, to the word "be," in the fifteenth line of the same section, and insert the following, in lieu thereof:

"Commencing at a point on the Sabine river, thirty miles distant, on a straight, or direct line, from the north-western corner of Rusk; thence, due south, to the Neches river; thence, down said river, to a point on said river, due west from the north-west corner of P. E. Bean's west four league survey; thence, due east, to the north-west corner of said survey; thence, along the northern boundary line of said survey, to the north-east corner of the same; thence, due east, to the western boundary line of Rusk county; thence, north, with the said line, to the north-west corner of said county, on the Sabine river; thence, up said river, with its meanderings, to the place of beginning." Also, add, in the ninth section, after the word "Representation," in the fourth line, "and the right of having a separate Land District."

The committee have, also, had under consideration, a bill to be entitled, "An act to create the county of Cherokee," and have directed me to submit the following, as amendments to the bill:

Strike out all, after the words "to wit," in the fourth line of the first section of the bill, to the word "be," in the seventeenth line of the same section; and insert the following, in lieu thereof:

Commencing in the Neches river, on a league of land granted to Barbary C. Lewis, at a point due west from the North East Corner of a four league survey, made for P. E. Bean; thence, due east, to the north west corner of said survey; thence along the northern boundary line of said four league survey, to the north east corner of the same; thence due east, to the western boundary line of Rusk county; thence south, with said line, to the south west corner of said county; thence east along the southern boundary line of the same, to the Angelina river; thence down said river, with its meanderings, to a point where a line running south, fifty degrees west, to the Neches river, with its meanderings, to the place of beginning. Also, amend the tenth section of the same bill, by adding, after the word "Representation" in the fourth line, "and the right of a separate land district.

With these amendments, the foregoing bills are respectfully recommended to the favorable consideration of the House.

[Signed]

VAN R. IRION,

Chairman.

Report, bills and amendments received, and laid upon the table, to come up in their regular order.

Mr. Russell, chairman of the committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, }
March 17th 1846. }

Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on Engrossed Bills, have examined the following bills, and find the same correctly engrossed:

A bill to be entitled, "An act defining the boundaries and limits of Jackson county."

A bill, to be entitled, "An act, to incorporate the Huntsville Academy."

A bill, to be entitled, "An act, to release the county of Fannin, of a certain portion of the debt, due to the citizens of that portion of the said county—now the county of Grayson."

A bill, to be entitled, "An act, to define the boundaries of Matagorda County."

A bill, to be entitled, "An act, the better to define and fix the county of Victoria."

A Bill, to be entitled, "An act, to create the county of Calhoun."

A bill, to be entitled, "An act, to repeal an act, to provide for the establishment of peace, and to regulate friendly intercourse with Indians—approved 14th January, 1843."

A bill, to be entitled, "An act, to create and organize the county of Tyler;" and

A bill, to be entitled, "An act, to provide for the location of the county site of the county of Calhoun."

[Signed]

A. J. RUSSELL,
Chairman.

Report read and accepted.

On motion, of Mr. Russell, Mr. Eddy was added to the committee on Engrossed bills.

Mr. Bourland, Chairman of the Select Committee, to whom was referred a bill, to be entitled, "An act to re-organize San Patricio county," reported the bill back to the House, with the following amendment:

"Strike out the entire third section of the bill."

With this amendment, the committee recommend the passage of the bill.

Report, bill, and amendment, received, and laid upon the table, to come up in their regular order.

Mr. Truit, Chairman of the Select Committee, to whom was referred a bill, to be entitled, "An act to create the county of _____," reported the bill back to the House, with the subjoined amendment:

Substitute the following for the first section of the bill:

SECTION FIRST. *Be it enacted by the Legislature of the State of Texas*, That a new county be established, to be known and distinguished by the name of WALKER, the boundaries of which shall be as follows:

Beginning at Robins' Ferry, on the Trinity, where the San Antonio road crosses the same; thence, with said road, to the north east corner of a survey of land, in the name of S. G. Clipper; thence, in a straight line, to the South Bedai Creek, to a point where the La Bahia road crosses the same; thence, in a straight line, to the north west corner of a survey of two thirds of a league of land, in the name of J. H. Collard; thence, in a straight line, to a point in San Jacinto river, three miles below the mouth of East Sandy Creek; thence, east, to the line of a new county, to be called *Polk*; thence, with the lines of said new county, to the Trinity river; thence, up the middle of said river, to the place of beginning."

With this amendment, the committee recommend the passage of the bill.

Report, bill and amendment received, and laid upon the table, to come up in their regular order.

Mr. Clark introduced a bill to be entitled, "An act to authorize the Governor to employ a Private Secretary."

Bill read a first time.

Mr. Irion introduced a "Joint Resolution, for the pay of W. H. Ewing, Chief Justice of Washington county, for services, as a witness in the contested election, between L. G. Dupree and Albert G. Haynes."

Joint resolution read a first time.

Mr. Perry introduced a bill to be entitled, "An act for the relief of the heirs of Sam. Sheffield."

Bill read a first time.

Mr. Stewart introduced a bill to be entitled, "An act requiring the Sheriff of the county, wherein the Supreme Court may be held, to serve and attend upon the Supreme Court,"

Bill read a first time.

Mr. Cooke introduced a "Joint Resolution, concerning roads in Robertson county,"

Joint Resolution read a first time.

Mr. Swift introduced a bill, (accompanied with a petition,) to be entitled, "An act for the adoption of a certain child, therein named."

Bill read a first time.

On motion, the House proceeded to the

ORDERS OF THE DAY.

On motion of Mr. Branch, the bill to be entitled, "An act exempting certain property from forced sale, under execution," was taken up.

Mr. McFarland moved to amend the bill as follows:

"Be it further enacted, That the provisions of this act, shall not be construed, as exempting any of the articles herein described, from forced sale for License or Direct taxes, or any other public dues."

Mr. Branch moved to strike out of Mr. McFarland's amendment, the words, "or any other public dues."

The yeas and nays were called on the adoption of the motion, and stood as follows:

Yeas. Messrs. Speaker, Adams, Barry, Branch, Bourland, Brown, Cazenau, Charlton, Clark, Cooke, Cronican, Dupree, Durham, Echols, Edwards of Nacogdoches, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Howard, Irion, Jones, Keenan,

Mabry, McClarty, Milican, Muckleroy, Mullens, Ogden, Pattillo, Pease, Perkins, Rayner, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Rusk, Swift, Tankersly, Truit, and Williams—45.

Nays. Messrs. Burroughs, Dickson, Edwards of San Augustine, Eddy, Hudson, McFarland, McNeill, Miller, Noble, Perry, Redgate, Rose, Stevenson, Sublett, White, and Willie.—17.

So the motion was carried.

Mr. Burroughs offered to amend the amendment of Mr. McFarland, as follows:

“Nor for a fine, imposed by any court, of competent jurisdiction.”

The Chair decided the amendment, offered by Mr. Burroughs, to be out of order—the substance of the same having been embraced in the latter part of the amendment offered by Mr. McFarland; *and that part* having been stricken out.

Mr. Burroughs appealed from the decision of the Chair.

The sense of the House was taken on Mr. Burroughs' appeal, and the decision of the Chair sustained.

The question then recurred on the adoption of the amendment proposed by Mr. McFarland.

On motion, of Mr. Tankersly, the bill was referred to a Special Committee.

The Speaker appointed Messrs. Tankersly, Clark, Rose; Branch, and Bourland, to compose said committee.

On motion of Mr. Cazenau, the substitute for a bill, to be entitled, “An act defining and regulating the duties of Assessors and Collectors,” was taken up.

On motion of Mr. McCown, one hundred copies were ordered to be printed, for the use of the House.

On motion of Mr. Tankersly, Mr. Howard was added to the Special Committee, to whom was referred a bill, to be entitled, “An act exempting certain property from forced sale under execution.”

On motion of Mr. Dupree, Messrs. Redgate and Gray were added to the same committee.

Mr. Bourland, by leave, introduced a bill, to be entitled, “An act to give notice to legal land claimants.”

Bill read a first time.

A message was received from the Senate, informing the House of the passage of the following bill by that body.

A bill, to be entitled, “An act to change the venue in civil and criminal cases.”

The House was also informed of the refusal of the Senate to concur in the amendments (proposed by the House,) to a

bill, to be entitled, "An act creating the county of Polk."

The same message requested the House to appoint a Committee of Conference, to confer with a like committee on the part of the Senate, relative to the aforesaid amendments to the bill creating the county of Polk."

The House was also informed that the Senate had appointed a committee, to act jointly with a similar committee on the part of the House, on the memorials of Gen. James Hamilton and others.

Mr. Gray, Chairman of the committee on the Judiciary, made the following report:

COMMITTEE ROOM,
March 17, 1846. }

Hon. Edward. T. Branch,

Speaker of the House of Representatives:

The Committee on the Judiciary, to whom was referred a bill, to be entitled, "An act to prescribe the mode of summoning Grand and Petit Juries," and a bill, to be entitled, "An act to create a Jury Fund," have duly considered the same, and have instructed me to report the enclosed substitute for said bills, entitled, "An act regulating Juries," the passage of which they recommend.

The substitute herewith reported, contains all the provisions of our present laws, with such amendments and modifications, as experience has shewn to be necessary, and also provides a fund for the payment of Petit Jurors.

Report, bills, and substitute received, and laid upon the table, to come up in their regular order.

On motion of Mr. Irion, the House adjourned until three o'clock, P. M.

[Signed]

P. W. GRAY,
Chairman.

THREE O'CLOCK P. M.

The House met, pursuant to adjournment.

The roll was called, and a quorum being present,

The House proceeded to business.

On motion, a bill, to be entitled an act to raise a revenue by direct taxation, was taken up, it being the special order of the day.

Mr. Burroughs moved that the bill be taken up by sections.
Motion carried.

The first section of the bill being under consideration,

Mr. Gray moved to insert after the word "tax," in the third line, the words, at the rate of —."

Amendment adopted.

Mr. Bourland moved to fill the blank, in the third line, with "twenty."

The yeas and nays were called, on the adoption of Mr. Bourland's amendment, and stood as follows:

Yeas. Messrs. Speaker, Adams, Barry, Bourland, Brown, Cazenau, Cooke, Dickson, Dupree, Durham, Edwards of San Augustine, Gray, Gilliam, Howard, Hudson, Keenan, McFarland, McNeill, Miller, Mullens, Noble, Perry, Rayner, Rose Ryburn, Sadler, Savage, Stewart, Swift, Tankersly Truitt, Williams and Willie—33.

Nays. Messrs. Burroughs, Charlton, Clark, Echols, Edwards, of Nacogdoches, Gooch, Holland, Irion, Jones, Mabry, McCown, Milican, Muckleroy, Pattillo, Pease, Perkins, Redgate, Russell, Smith of Rusk, Sublett, and White—23.

So the amendment was adopted.

A message was received from the Senate, informing the House of the passage of the following bills, by that body:

A bill, to be entitled "An act, to direct the mode of voting, in all popular elections"

A bill, to be entitled "An act, appropriating three thousand dollars, for the contingent expenses of both Houses of the Legislature," with an amendment—in which they respectfully ask the concurrence of the House. Also, a bill, to be entitled, "An act, defining the duties of State Treasurer;" with amendments—in which, they also ask the concurrence of the House.

The first section of a bill, to be entitled, An act, to raise a revenue by direct taxation," being under consideration of the House.

Mr. Gillett moved, to amend the section, by adding the following:

Provided, however, That there shall be no less value set upon the land, than *one dollar per acre.*"

Amendment rejected.

The first section of the bill was then adopted, as amended.

The second section of the bill was then taken up.

Mr. Russell moved, to amend the section, by inserting in the third line, after the word "Indians," the words "not voters."

Amendment rejected.

Mr. Clark moved, to amend the section by striking out the words "one dollar," wherever they occur, and inserting "fifty cents."

The yeas and nays were called, on the adoption of the amendment, and stood as follows:

Yeas. Messrs. Speaker, Branch, Brown, Burroughs, Charlton, Clark, Cooke, Cronican, Dupree, Echols, Edwards, of Nacogdoches, Erath, Gooch, Holland, Irion, Mabry McCown, McFarland, Miller, Milican, Mullens, Pattillo, Perry, Redgate, Russell, Ryburn, Savage, Truitt, and Williams—30.

Nays. Messrs. Adams, Barry, Bourland, Cazenau, Dickson, Edwards, of San Augustine, Gray, Gillett, Gilliam, Howard, Hudson, Jones, Keenan, McNeill, Muckleroy, Noble, Ogden, Pease, Perkins, Rayner, Rose, Sadler, Stewart, Smith of Rusk, Swift, Sublett, Tankersly, White and Willie—29.

So the amendment was adopted.

A message was received from the Senate, informing the House that the Senate had recommitted a bill, to be entitled "An act, to cede certain property to the United States &c.," to the committee of Conference; and requesting a like action on the part of the House.

The second section of the bill under consideration of the House, was then adopted, as amended.

Mr. Sadler moved, that the third-section of the bill be stricken out.

The yeas and nays were called on the adoption of Mr. Sadler's motion, and stood as follows:

Yeas. Messrs. Speaker, Adams, Barry, Branch, Brown, Cazenau, Charlton, Clark, Cooke, Cronican, Dickson, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gilliam, Gooch, Holland, Irion, Jones, Keenan, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Ogden, Pattillo, Perry, Russell, Sadler, Savage, Stewart, Smith of Rusk, Sublett, Truitt, Williams and Willie—39.

Nays. Messrs. Bourland, Burroughs, Dupree, Durham, Echols, Gray, Gillett, Howard, Hudson, Mabry, Noble, Pease, Perkins, Rayner, Redgate, Rose, Ryburn, Swift and Tankersly—19.

So the motion was carried, and the third section of the bill stricken out.

Mr. Jones offered the following as a substitute for the section just stricken out:

SECTION THIRD. *Be it further enacted,* That there shall be assessed and collected, of every person having money loaned

at interest, a tax, of one half of one per cent, upon the amount, so loaned on interest."

Mr. Branch moved to amend the amendment, by striking out all after the words "a tax of," and inserting, in lieu thereof, "twenty cents upon every hundred dollars, so loaned on interest."

Amendment adopted.

The sense of the House was then taken, upon the adoption of the substitute for the third section of the bill, as amended, and stood as follows :

Yeas. Messrs. Speaker, Adams, Barry, Branch, Brown, Burroughs, Cazenau, Charlton, Clark, Cooke, Cronican, Dickson, Dupree, Durham, Echols, Edwards of San Augustine, Eddy, Erath, Gray, Gilliam, Gooch, Holland, Howard, Hudson, Irion, Jones, Keenan, Mabry, McCown, McNeill, Miller, Muckleroy, Mullens, Noble, Ogden, Pease, Perry, Rayner, Redgate, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Rusk, Sublett, Tankersly, Truitt, and Willie—50.

Nays. Messrs. Edwards of Nacogdoches, Gillett, McFarland, Milican, Pattillo, Perkins, Rose, Swift, White, and Williams—10.

So the substitute was adopted.

The fourth section of the bill was then taken up.

Mr. Bourland moved to strike out the words, "person or persons," wherever they occur in the section, and insert, in lieu thereof, the word "company."

Amendment rejected.

Mr. Russell moved to amend the section, by adding, after the word "person," in the second line, "or persons, being the proprietor or proprietors of a company."

Amendment adopted.

Mr. Tankersly moved to amend the section, by striking out, after the word "dollars," in the fourth line, the words, "for each and every person pursuing such occupation."

Amendment adopted.

A message was received from the Senate, informing the House of the refusal, of that body, to concur in the amendment of the House, to a bill, to be entitled, "An act, creating the county of Hopkins;" and that the Senate had appointed a committee of conference, consisting of Senators, Williams, Bagby and Scott, to confer with a like committee, on the part of the House, relative to the subject of disagreement. The House was also informed, that the Senate had passed a bill, to be entitled, "An act, defining the duties of State Treasurer"—

with amendments—in which, the concurrence of the House, was respectfully asked.

The House then resumed the consideration of the fourth section of a bill, to be entitled, "An act, to raise a revenue by direct taxation.

Mr. Willie moved, to amend the section, by adding, after the ninth line, "And, also, a tax of one fifth of one per cent., upon the annual amount of the sales, of such wholesale merchants."

Amendment rejected.

Mr Durham moved, to strike out, in the ninth line of the section, the words "one hundred," and insert, in lieu thereof, the word "fifty."

Amendment rejected.

Mr. Tankersly moved, to strike out "one hundred," and insert "one hundred and twenty-five."

Amendment rejected.

Mr. McNeill moved, to amend the section, by inserting in the ninth line, after the word "wholesale." the words, "or at wholesale and retail."

Amendment adopted.

Mr. Burroughs moved, to strike out the clause, included in tenth and eleventh lines.

The yeas and nays were called, on the adoption of Mr. Burroughs' amendment, and stood as follows:

Yeas. Messrs. Burroughs, McCown and Truitt—3.

Nays. Messrs. Speaker, Adams, Barry, Branch, Bourland, Brown, Cazenau, Charlton, Clark, Cooke, Cronican, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gilliam, Gooch, Holland, Howard, Hudson, Irion, Jones, Keenan, Mabry, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Ogden, Pattillo, Pease, Perkins, Perry, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Houston, Smith of Rusk, Swift, Sublett, Tankersly, White, Williams and Willie—56.

So the amendment was rejected.

Mr Miller moved, to amend the section, by inserting, after the word "dollars," in the eleventh line, the words, "for each and every establishment."

Amendment adopted.

Mr Stewart moved, to insert, after the word "person," in the eighth line, the words, "or firm;" also, to insert the words, "or firm," after the word "person," in the tenth line.

Mr. Gilliam moved, to amend the section, by inserting, in the eleventh line, after the word "dollars,"

"Provided, that the term 'occupied,' shall not extend to any person, whose capital, invested, shall be less than two hundred dollars."

Amendment rejected.

Mr. Mullens moved, to amend, by striking out "twenty-five," and inserting "fifteen."

Amendment rejected.

Mr. Stewart moved, to insert, after the word "person," in the twelfth line, the words, "or firm."

Amendment adopted.

Mr. McNeill moved, to insert, after the word "dollars," in the fourteenth line, the words, "for each and every establishment."

Amendment adopted.

Mr. Willie moved, to strike out "twenty-five," after the words "direct tax of," in the thirteenth line, and insert, in lieu thereof, "fifty."

Amendment rejected.

Mr. Russell moved, to insert, after the word "dollars," in the sixteenth line, the words, "for each and every establishment."

Amendment adopted.

Mr. Barry moved, to strike out "fifty," in the sixteenth line, and insert "seventy-five."

Amendment rejected.

Mr. Gray moved, to insert, in the eighteenth line, after the word "dollars"—"in each and every county, in which he exposes his goods, for sale."

The yeas and nays were called, on the adoption of Mr. Gray's amendment, and stood as follows:

Yeas. Messrs. Speaker, Brown, Charlton, Clark, Cooke, Cronican, Dickson, Dupree, Durham, Echols, Eddy, Gray, Gillett, Gilliam, Holland, Jones, Keenan, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Ogden, Pattillo, Perry, Redgate, Russell, Ryburn, Sadler, Savage, Smith of Rusk, Swift, Sublett, Tankersly, Truit and Willie—39.

Nays. Messrs. Barry, Branch, Bourland, Cazenau, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gooch, Howard, Irion, Mabry, McCown, Pease, Perkins, Rayner, Rose, Stewart, White and Williams—19.

So the amendment was adopted.

On motion of Mr. Burroughs, the House adjourned, until to-morrow morning ten o'clock.

HOUSE OF REPRESENTATIVES,

CITY OF AUSTIN, WEDNESDAY,

March 18th, 1846.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Branch, Bourland, Brown, Burroughs, Charlton, Clark, Cooke, Dickson, Dupree, Durham; Echols, Edwards of San Augustine, Eddy, Erath, Gray, Gill-ett, Gilliam, Gooch, Holland, Hudson, Jones, Keenan, Mabry, McClarty, Mullens, Noble, Ogden, Pattillo, Perkins, Perry, Rayner, Redgate, Rose, Russell, Sadler, Savage, Stevenson, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truitt, White, Williams, and Willie.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. McNeill presented the petition of John Johnson, praying for relief.

Petition read, and,

On motion, referred to the committee on Claims and Accounts.

Mr. Cazenau presented the petition of Thomas F. Wilson agent for the heirs of Caldwell Carson.

Petition read, and,

On motion referred to the committee on Public Lands.

Mr. Perry presented the memorial of B. J. Ijams and wife, praying for an additional quantity of land.

Memorial read, and,

On motion, referred to the committee on Public Lands.

Mr. Tankersly Chairman of the Committee on Finance, made the following report:

*To the Honorable Speaker of the
House of Representatives:*

The committee on Finance, to whom was referred a bill, to be entitled, "An act to raise a public revenue, by direct taxation," and a bill, to be entitled, "An act to increase license taxes, have had the same under consideration, and instruct me to return the said bills to the House, and to recommend that they be for the present laid upon the table.

[Signed]

B. F. TANKERSLY,

Chairman.

Report and bills received, and laid upon the table, to come up in their regular order.

Mr. Clark, Chairman of the committee on State Affairs, made the following report:

COMMITTEE ROOM,
March 18th 1846. }

*To the Honorable William E. Crump,
Speaker of the House of Representatives:*

The committee on State Affairs have examined and considered a bill, to be entitled, "An act prescribing the mode of organizing the House of Representatives, and have prepared a substitute therefor, which is herewith submitted to the consideration of the House.

[Signed.] Respectfully,

E. CLARK,
Chairman.

Report, bill, and substitute received, and laid upon the table, to come up among the orders of the day.

Mr. Russell, Chairman of the committee on Engrossed Bills, made the following report:

COMMITTEE ROOM,
March 17th, 1846. }

*Honorable William E. Crump,
Speaker of the House of Representatives:*

The committee on Engrossed Bills have examined the following bills, and find the same correctly engrossed:

A bill, to be entitled, "An act to locate the county seat of Wharton county;"

A bill, to be entitled, "An act to authorize the Governor to make the necessary preparations to transfer to the United States, all custom-houses, and other places for the collection of impost duties, and other foreign revenue;"

A bill, to be entitled, "An act to establish the county seat of Milam county,"

And a Joint Resolution.

[Signed]

A. J. RUSSELL,
Chairman.

Report read and accepted.

On motion of Mr. Tankersly, a bill, to be entitled, "An act

authorizing the Governor to cede, transfer, and deliver to the United States, all the property of what description soever, embraced in, and contemplated by, the Joint Resolution of Annexation, &c. was taken up, Read a third time and passed.

Mr. McCown, by request, offered the following resolution for Mr. Stewart:

Resolved, That the committee on Post Roads be requested to consider the necessity of a mail route from Opelousas, in Louisiana, to San Antonio de Bexar, *via* Sabine, Taylor's, Richardson's, Swartwout, Raven Hill, Carothers, Danville, Lone Oak, Montgomery, Shannon, Rusk Retreat, Fanthorp's, Washington, Brenham, La Grange, Gonzales, Seguin, to Bexar; and if they consider the same necessary, that they add such routes to the bill now before them."

Resolution read and adopted.

Mr. Cooke offered the following resolution:

Resolved, That the committee on the Judiciary be instructed to take into consideration the ordinance adopted by the Convention in relation to the colonial contracts, and report what legislation is necessary to carry into effect the provisions of said ordinance; and, if said committee should be of opinion that further legislation is necessary, that they report a bill to carry out the provisions of the ordinance."

Resolution read and adopted.

Mr. Howard submitted the following resolution:

Resolved, That a committee of five members be appointed, to inquire into the expediency of ceding to the Government of the United States the public lands of Texas, for a just equivalent, for the purpose of providing means to liquidate the public debt; and that they also be instructed to take into consideration the propriety of classifying and defining the public debt, and of appointing a board to ascertain and allow the same; and that said committee report to this House by bill or otherwise."

Resolution read and adopted.

The Speaker then appointed Messrs. Howard, Mabry, Sadler, Cazenau, and Noble, to compose said committee.

Mr. Sublett offered the following resolution:

Resolved, ———."

On motion of Mr. Bourland, the resolution was laid upon the table.

Mr. Erath introduced a bill, to be entitled, "An act transferring a part of the liabilities of Milam county to the county of Burleson." Bill read a first time.

Mr. Redgate introduced a bill, to be entitled, an act authorizing the Governor to have the Constitution and certain laws of the State translated into the German language."

Bill read a first time.

Mr. Milican introduced a bill, to be entitled, "An act to provide for the appointment of constables in certain cases."

Bill read a first time.

On motion of Mr. Clark, the bill, to be entitled, "An act to legalize the marriage of Sam. M. Parry with Elizabeth Neise, and legitimating their children was taken up,

Read a third time and passed.

On motion of Mr. Cazenau, the House proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled, "An act to raise a revenue by direct taxation," was taken up.

Mr. Stevenson moved to strike the word "fifty" out of the sixteenth line of the fourth section of the bill.

Amendment rejected.

Mr. Branch moved that the House resolve itself into a committee of the Whole on the bill now under consideration.

Motion lost.

Mr. McNeil moved to amend the bill, by inserting the words "or firm," after the word "person," in the seventeenth line.

Amendment adopted.

Mr. Cronican moved to amend the bill, by inserting the words "or firm," in the nineteenth line.

Amendment adopted.

On further motion of Mr. Cronican, the words "for pay or emolument," were inserted after the word "table."

Mr. Williams moved to amend the section, by inserting the words, "for each and every table," after the word "dollars" in the twentieth line.

Amendment adopted.

Mr. White offered the following as an amendment to the section: Insert after the word "alley," in the twenty-first line, the words, "for pay or emolument."

Amendment adopted.

On motion, the twenty-second line of the section was amended, by inserting the words "for each alley," after the word "dollars."

On further motion, the twenty-third line was amended, by inserting the words, "or firm," after the word "person."

Mr. Tankersly moved to further amend, by inserting the words, "in any city, town, or village," after the word "tavern." Amendment adopted.

Mr. Stevenson moved to amend, by striking out "fifteen," in the twenty-fifth line, and inserting "fifty."

Amendment rejected.

Mr. Edwards, of San Augustine, moved to amend by striking out the word "fifteen," in the twenty-fifth line, and inserting "twenty."

Amendment rejected.

A message was received from the Senate, informing the House of the passage of the following bills by that body:

A bill, to be entitled, "An act to define the boundaries of the county of Fort Bend;"

A bill, to be entitled, "An act to locate the seat of justice of Guadalupe county;"

A bill, to be entitled, "An act to locate the county seat of De Witt county," and

A bill, to be entitled, "An act to provide for fixing the county seat of the county of Austin."

The bill, to be entitled, "An act to raise a revenue by direct taxation," was again taken up.

On motion of Mr. McNeill, the twenty-fifth line was further amended, by inserting the words, "for every such inn or tavern," after the words "dollars."

Mr. Burroughs moved, that the 26th and 27th lines be stricken out.

Motion rejected.

Mr. Edwards of San Augustine, offered to amend, by striking out the word "five," in the 27th line, and inserting, "ten."

Mr. Gray offered to amend the amendment, as follows:

Insert, after the word "dollars," the words, "where more than five persons are entertained."

Amendment rejected.

The question then recurred, on the adoption of Mr. Edwards' amendment, and the

Amendment was rejected.

Mr. White offered to amend the 26th line, by inserting the words, "any town, city or village," after the words "boarding house."

Amendment adopted.

Mr. Tankersly moved, to amend the 27th line, by inserting the words, "for each and every such establishment," after the word, "dollars." Amendment adopted.

On motion of Mr. Russell, the 28th line was amended, by inserting the words "or firm," after the word "person."

Mr. Perkins moved, that the twenty-sixth and twenty-seventh lines, of the fourth section of the bill, with the amendments thereto, be stricken out.

Motion lost.

Mr. Russell moved, to amend the section, by inserting the words, "or firm," after the word "person," in the twenty-ninth line.

Amendment adopted.

Mr. Russell moved, to further amend, by inserting the words, "for each and every such establishment," after the word "dollars."

Amendment adopted.

Mr. Irion offered to amend, by striking out the word "twenty," in the twenty-ninth line, and inserting "ten."

Amendment rejected.

On motion of Mr. Dupree, the thirty-first line was amended, by inserting the words "money broker," after the word "broker."

Mr. Gilliam offered to amend the thirty-second line, by inserting the words, "also, for each and every person or firm, keeping a Race Track, an annual direct tax of *ten dollars*, for each track."

Amendment adopted.

Mr. McNeill moved, that the vote just taken, on Mr. Gilliam's amendment, be reconsidered.

The Chair decided the motion out of order.

Mr. McNeill then appealed from the decision of the Chair, and The House sustained the motion, to reconsider the vote.

The sense of the House was then taken, on the adoption of Mr. McNeill's motion, and the

Motion was carried.

So the vote of the House, which adopted Mr. Gilliam's amendment, was reconsidered.

Mr. McNeill then moved, to strike out "ten," in the amendment offered by Mr. Gilliam, and insert "fifty."

Amendment rejected.

Mr. Miller moved, to strike out "ten," in said amendment, and insert "twenty-five."

Mr. Rayner moved, that the House adjourn, until three o'clock, P. M.

Motion lost.

Mr. Dupree moved, that the House adjourn, until half past three o'clock, p. m.

Motion lost.

The question then recurred, on the adoption of Mr. Miller's amendment, to the amendment offered by Mr. Gilliam, and

The amendment was adopted.

Mr. Keenan offered to amend, by inserting, after the word "broker," in the thirty-first line, the words, "money broker."

Amendment adopted.

Mr. Tankersly offered to amend the thirty-third line, by inserting the words "or firm," after the word, "person."

Amendment adopted.

Mr. Tankersly also moved, to amend the thirty-fourth line, inserting the words, "for each and every such establishment," after the word, "dollars."

Amendment adopted.

Mr. Cronican moved, to amend the thirty-sixth line, by inserting, after the word "dollars,"—"also, on all goods, wares and merchandise, a direct tax, at the rate of twenty cents on each hundred dollars."

Amendment adopted.

Mr. Burroughs moved to amend by inserting, after the word "dollars," "except the occupation of midwifery."

Amendment adopted.

Mr. Dupree moved to amend, by striking out all, from the thirty-fifth to the forty-first line.

The yeas and nays were called, on the adoption of Mr. Dupree's amendment, and stood as follows:

Yeas. Messrs. Branch, Bourland, Brown, Charlton, Clark, Cooke, Dickson, Dupree, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Irion, Keenan, McClarty, McCown, McNeill, Muckleroy, Pattillo, Perkins, Perry, Sadler, Smith of Rusk, Sublett and Williams—29.

Nays. Messrs. Speaker, Adams, Barry, Burroughs, Cazenau, Cronican, Durham, Echols, Eddy, Hudson, Howard, Jones, Mabry, McFarland, Miller, Milican, Mullens, Noble, Ogden, Pease, Rayner, Redgate, Rose, Russell, Savage, Stevenson, Smith of Harris, Swift, Tankersly, Truitt, White, and Willie—32.

So the amendment was rejected.

Mr. Tankersly moved to strike out the thirty-fifth and thirty-sixth lines.

Mr. Gray offered a substitute for the thirty-fifth and thirty-sixth lines, as follows:

"Also, of each and every person, pursuing the business or occupation of law, or of physic, an annual direct tax of ten dollars, in each and every county in which he may be so engaged."

Mr. Durham moved, that the House adjourn until three o'clock, P. M.

Motion lost.

Mr. McNeill moved to amend the substitute, offered by Mr. Gray, by striking out the words, "of each and every county."

The yeas and nays were called, on the adoption of the amendment, and stood thus:

Yeas. Messrs. Speaker, Adams, Barry, Branch, Bourland, Brown, Cooke, Dickson, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gillet, Gilliam, Howard, Irion, Jones, Keenan, McClarty, McCown, McNeill, McFarland, Miller, Milican, Noble, Pattillo, Pease, Perkins, Perry, Redgate, Rose, Russell, Sadler, Stevenson, Swift, Sublett, and Williams—37.

Nays. Messrs. Burroughs, Charlton, Clark, Cronican, Dupree, Echols, Eddy, Gray, Gooch, Holland, Hudson, Mullens, Ogden, Rayner, Savage, Smith of Harris, Smith of Rusk, Tankersly, Truitt, White, and Willie—22.

So Mr. McNeill's amendment to the substitute, offered by Mr. Gray, was adopted.

Mr. Perkins moved to amend by inserting the words, "or firm," after the word "person."

Amendment rejected.

Mr. Sublett moved to strike out all the amendments, to the thirty-fifth and thirty-sixth lines.

Motion lost.

The question then recurred, on the adoption of Mr. Gray's substitute, for the thirty-fifth and thirty-sixth lines of the fourth section of the bill, as amended by Mr. McNeill.

The yeas and nays were called, on the pending question, and stood as follows:

Yeas. Messrs. Speaker, Adams, Barry, Brown, Burroughs, Charlton, Clark, Cronican, Dickson, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gooch, Holland, Hudson, Howard, Jones, Keenan, Mabry, McNeill, Miller, Muckleroy, Mullens, Ogden, Pattillo, Pease, Perry, Rayner, Redgate, Russell, Sadler, Savage, Stevenson, Smith of Harris, Smith of Rusk, Swift, Tankersly, Truitt, and Willie—42.

Nays. Messrs. Branch, Bourland, Cazenau, Cooke, Dupree, Erath, Gillett, Gilliam, Irion, McClarty, McCown, McFarland,

Milican, Noble, Perkins, Rose, Sublett, White, and Williams—19.

So the substitute, as amended, was adopted.

Mr. Miller offered the following amendment:

“Also, of each and every person, or firm, engaged or occupied in keeping an inn or tavern, not in a town, or city, or village, where travellers are entertained and lodged, for pay or emolument, a direct tax of ten dollars, for each and every such tavern or inn.”

Mr. Dupree moved that the House adjourn until three o'clock, P. M.

Mr. Gray moved to strike out from the thirty-seventh, to the forty-first lines, inclusive.

Mr. Tankersly offered the following, as an additional section to the bill.

SECTION —. *Be it further enacted*, That the taxes assessed, in pursuance of this act, shall be a lien upon all property, real and personal, belonging to the person or persons so assessed, upon whom the same may be imposed; and shall continue to bind said property, and be preferred to all other incumbrances, until the taxes of such person or persons shall have been fully settled and paid.

Amendment adopted.

Mr. Tankersly also offered the following, as an additional section to the bill:

SECTION —. *Be it further enacted*, That all laws and parts of laws, contrary to, and conflicting with, the provisions of this act, be, and the same are hereby repealed; and that this act take effect and be in force, from and after the first day of August next.

Amendment adopted.

Mr. Gray moved to amend the section just offered by Mr. Tankersly, as follows:

Provided, however, That this act shall not be so construed, as to release taxes, heretofore assessed and due.

Amendment adopted.

Mr. Russell, chairman of the committee on Engrossed bills, made the following report:

COMMITTEE ROOM, }
March 18th 1846. }

Honorable Wm. E. Crump,
Speaker of the House of Representatives:

The committee on Engrossed bills, have examined a bill to be entitled, "An act, to prescribe the time of the biennial meeting of the Legislature of the State of Texas," and find the same correctly engrossed.

[Signed]

A. J. RUSSELL.

Chairman.

Report read and accepted.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report;

The committee on Enrolled bills, have examined the following bills, and find the same correctly enrolled:

A bill to be entitled, "An act creating the county of Leon;" and

A bill to be entitled, "An act creating the county of Grayson."

Said bills, having been signed by the Speaker of the House of Representatives and President *pro tem.* of the Senate, were, on the seventeenth instant, presented to his Excellency, the Governor, for his approval.

Report read and accepted.

Mr. Dickson moved that the House adjourn, until three o'clock, P. M.

The yeas and nays were called, on the motion to adjourn, and stood as follows:

Yeas. Messrs. Branch, Burroughs, Charlton, Clark, Dickson, Edwards of Nacogdoches, Gooch, Hudson, Irion, Jones, Keenan, McClarty, McCown, Miller, Muckleroy, Ogden, Rose, Stevenson, Smith of Rusk, Truit, and Willie—21.

Nays. Messrs. Speaker, Adams, Barry, Bourland, Brown, Cazenau, Cooke, Cronican, Dupree, Durham, Echols, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Holland, Howard, Mabry, McFarland, McNeill, Milican, Mullens, Noble, Pattillo, Pease, Perkins, Perry, Rayner, Redgate, Russell, Sadler, Smith of Harris, Swift, Tankersly, White, and Williams—38.

So the motion to adjourn, was lost.

The House again proceeded to the consideration of the bill

to be entitled, "An act to raise a revenue, by direct taxation."

Mr. Perkins moved that the bill be re-committed to the committee on Finance.

Mr. McClarty moved that the bill be laid upon the table, until to-morrow, at eleven o'clock, A. M.

Mr. Truitt moved that the vote of the House, taken on yesterday, on that part of the bill, requiring the payment of a tax of *twenty cents*, upon each hundred dollars' valuation, be reconsidered.

Motion lost.

Mr. Miller moved that the House adjourn, until three o'clock, P. M.

Motion lost.

The question then recurred, on the re-commitment of the bill to the committee on Finance; and

The motion was carried.

On motion of Mr. Cown, the House then adjourned, until three o'clock, P. M.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Branch, Bourland, Brown, Burroughs, Charlton, Clark, Cooke, Dickson, Dupree, Durham; Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gillingham, Gooch, Holland, Hudson, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Ogden, Pattillo; Perkins, Perry, Rayner, Redgate, Rose, Russell, Sadler, Savage, Stevenson, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truitt, White, Williams, and Willie.

A quorum being present, the House proceeded to business.

The resolution, offered on a previous day, for the election of Public Printer, was taken up; and,

On motion of Mr. Rose, laid upon the table.

On motion of Mr. Sadler, the House proceeded to the

ORDERS OF THE DAY.

A bill to be entitled, "An act defining the duties of State Treasurer," was taken up, together with the amendments thereto, proposed by the Senate.

Amendments read and concurred in.

A bill to be entitled, "An act, appropriating three thousand dollars, for the contingent expenses of both Houses of the Legislature," was taken up, together with the amendments proposed by the Senate.

Amendments read and concurred in.

On motion of Mr. Cazenau, the bill to be entitled, "An act, defining the duties of the assessors of direct taxes," was taken up, and

On motion of Mr. Rose, made the special order of the day, for Friday morning, ten o'clock.

On motion of Mr. Russell, the bill to be entitled, "An act, creating the county of Tyler," was taken up,

Read a third time and passed.

Mr. Dupree offered the following resolution:

Resolved, by the House of Representatives, That this body proceed to the election of a Second Assistant Clerk."

On motion of Mr. Rose, the resolution was laid upon the table, until to-morrow, ten o'clock.

Mr. Cooke introduced a bill to be entitled, "An act, to fix Land Districts."

Bill read a first time.

On motion of Mr. Muckleroy, the bill to be entitled, "An act, to create the county of Cherokee," was taken up, and

Read a second time.

On motion, the bill was then referred to a Special Committee.

The Speaker appointed Messrs. Muckleroy, Brown, Charlton, and McNeill, to compose said committee.

On further motion of Mr. Muckleroy, the bill to be entitled, "An act creating the county of Smith," was taken up, and

Read a second time.

On motion, this bill was also, referred to the Special committee just appointed.

A bill to be entitled, "An act, to authorize parties to suits, to appear therein, in person," was taken up,

Read a third time and passed.

A bill to be entitled, "An act, to protect religious denominations, in their own mode of Divine worship," was taken up, and

Read a first time.

Mr. Stevenson introduced a bill.

Mr. Smith of Rusk introduced a bill.

A bill to be entitled, "An act, to provide for the establishment of peace, and to regulate friendly intercourse with Indians," was taken up, Read a third time and passed.

On motion of Mr. Bourland, Mr. Stevenson was granted leave of absence, for five days.

A bill to be entitled, "An act to create the county of Calhoun," was taken up,

Read a third time and passed.

A bill to be entitled, "An act to provide for the location of the county seat of the county of Calhoun," was taken up,

Read a third time and passed.

A bill to be entitled, "An act to better define, and fix the county of Victoria," was taken up,

Read a third time and passed.

A bill to be entitled, "An act to release the county of Fan- nin, of a certain portion of the debt due the citizens of that part of said county, now the county of Grayson," was taken up,

Read a third time and passed.

A bill, to be entitled, "An act defining the limits and boundaries of Jackson county," was taken up,

Read a third time and passed.

A bill to be entitled, "An act to incorporate the Huntsville Academy," was taken up,

Read a third time and passed.

A bill to be entitled, "An act to incorporate the Grand Lodge of the Independent Order of Odd Fellows, of the State of Texas," was taken up, and

Read a third time.

Mr. Dupree moved that the bill be indefinitely postponed.

The yeas and nays were called, on the indefinite postponement of the bill, and stood as follows:

Yeas. Messrs. Charlton, Dupree, Mullens, Russell, Sadler, Sublett, White, and Williams—8.

Nays. Messrs. Adams, Bourland, Brown, Burroughs, Clark, Cooke, Cronican, Dickson, Durham, Edwards of San Augustine, Eddy, Erath, Gray, Gillet, Gilliam, Gooch, Holland, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Noble, Ogden, Pattillo, Pease, Perkins, Perry, Rayner, Redgate, Rose, Savage, Smith of Harris, Smith of Rusk, Swift, Tankersly, Truitt, and Willie—44.

So the House refused to indefinitely postpone the bill.

The question then recurred, on the final passage of the bill.

The yeas and nays were called, and stood as follows:

Yeas. Messrs. Speaker, Adams, Bourland, Brown, Burroughs, Clark, Cooke, Cronican, Dickson, Durham, Edwards of San Augustine, Eddy, Gray, Gillett, Gilliam, Gooch, Holland, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, Miller,

Muckleroy, Noble, Ogden, Pattillo, Perkins, Perry, Rayner, Redgate, Savage, Stevenson, Smith of Harris, Smith of Rusk, Tankersly, Truitt, and Willie—40.

Nays. Messrs. Charlton, Dupree, Erath, McNeill, Milican, Mullens, Pease, Rose, Russell, Sadler, Swift, Sublett, White, and Williams—14.

So the bill was finally passed.

Mr. Sublett introduced a bill to be entitled, "An act prohibiting the various counties of the State, from laying a tax upon their citizens."

Bill read a first time.

A bill to be entitled, "An act to limit suits upon foreign contracts," was taken up, and

Read a second time.

Mr. McClarty moved that the bill be laid upon the table, until Friday morning, eleven o'clock.

Motion lost.

Mr. Rose moved that the bill be laid upon the table.

Mr. White offered the following, as an amendment to the bill:

Strike out "six months," and insert "four years."

Amendment rejected.

Mr. Mabry moved that the bill be indefinitely postponed.

The yeas and nays were called, on the indefinite postponement of the bill, and stood as follows:

Yeas. Messrs. Barry, Brown, Dickson, Edwards of Nacogdoches, Eddy, Gray, Gillett, Gilliam, Howard, Mabry, McClarty, Miller, Milican, Muckleroy, Pease, Perkins, Perry, Redgate, Rose, Sadler, Savage, Smith of Rusk, Sublett, Tankersly, and White—25.

Nays. Messrs. Speaker, Adams, Branch, Bourland, Burroughs, Charlton, Clark, Cooke, Cronican, Durham, Gooch, Holland, Irion, Jones, Keenan, McCown, McFarland, McNeill, Mullens, Noble, Pattillo, Rayner, Russell, Smith of Harris, Williams, and Willie—26.

So the House refused to indefinitely postpone the bill.

On motion of Mr. Clark, the bill was laid upon the table, until to-morrow, eleven o'clock, A. M.

On motion of Mr. McCown, the House adjourned until to-morrow, ten o'clock.

HOUSE OF REPRESENTATIVES,
CITY OF AUSTIN, THURSDAY,
March 19th, 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names :

Messrs. Speaker, Adams, Barry, Branch, Bourland, Brown, Cazenau, Charlton, Clark, Cooke, Cronican, Dickson, Echols, Edwards, of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Howard, Hudson, Irion, Jones, Keenan, Mabry McClarty, McCown, McCulloch, McFarland, Miller, Milican, Muckleroy, Mullens, Noble, Ogden, Pattillo, Pease, Perkins, Perry Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Stevenson, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truitt, White, Williams, and Willie.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Erath presented the petition of Robert C. Campbell, praying for relief.

Petition read, and,

On motion, referred to the committee on Claims and Accounts.

Mr. Gray, Chairman of the committee on the Judiciary, made the following report :

COMMITTEE ROOM, }
March 18th, 1846. }

*To the Honorable Speaker of
the House of Representatives :*

The committee on the Judiciary, to whom was referred a "Joint Resolution," (from the Senate,) instructing our Senators in Congress to apply to the Government of the United States for a copy of the Acts and Journals of the Congress, and for a copy of the Decisions of the Supreme Court, have duly considered the same, and instruct me to report, that, in their opinion, it is unnecessary to take action on the subject. The committee believe, that it is the general custom of the United States' Government to furnish to each State a copy of the Acts and Journals of Congress, without a special request, and that the Decisions of the Supreme Court are private property, published at private expense. The application, therefore, for these Decisions, would be only a request for the United States' Government to purchase them for the State.

They therefore recommend that the resolution be laid upon the table.

[Signed]

P. W. GARY,
Chairman.

Report and Joint Resolution received and laid upon the table, to come up in their regular order.

Mr. Clark, Chairman of the committee on State Affairs, made the following report:

COMMITTEE ROOM, }
March 19th, 1846. }

*To the Hon. William E. Crump,
Speaker of the House of Representatives:*

The committee on State Affairs, to which was referred, some days since, a resolution requiring them to inquire into the expediency of establishing a standard of Weights and Measures for the State, and to report thereon by bill or otherwise, have had the same under consideration; and all concurring in the propriety of having a certain and uniform standard of Weights and Measures, for the State, have instructed me to report the accompanying bill to the House.

Respectfully,

[Signed]

E. CLARK,
Chairman.

Report read and received, and

A bill, to be entitled, "An act establishing Weights and Measures for the State of Texas."

Read a first time.

Mr. Dickson, made the following report:

The Special Committee, to whom was referred a bill, to be entitled, "An act instructing our Senators, and requesting our Representatives in the Congress of the United States, to procure the establishment of Certain Mail Routes," have instructed me to report the bill back to the House, with amendments, and to recommend their adoption and the passage of the bill.

Report, bill, and amendments received and laid upon the table, to come up in their regular order.

Mr. Tankersly made the following report:

*To the Hon. Speaker
of the House of Representatives:*

The undersigned, a majority of the Select Committee, to whom was referred a bill, to be entitled, "An act to exempt certain property from forced sale," have had the same under

consideration; and, in order to relieve the bill of any constitutional objections, which might be urged, they have agreed upon a substitute for said bill, and recommend the same to the favorable consideration of the House.

[Signed]

{ B. F. TANKERSLY,
W. H. BOURLAND,
E. T. BRANCH,
JOHN W. ROSE,
V. E. HOWARD.

Report, bill, and substitute received, and laid upon the table, to come up in their regular order.

Mr. Jones offered the following resolution:

Resolved, That the committee on Finance be instructed to make an estimate of the number of all officers necessary to transact the business of the State, together with the salaries proper to be paid to each, and report to the House the result of their investigation."

Resolution read and adopted.

On motion of Mr. Dickson, the House then proceeded to the election of a Second Assistant Clerk of the House of Representatives.

Mr. Irion nominated Mr. E. S. C. Robertson.

Mr. Perkins nominated Mr. McGill.

Messrs. Eddy, Sadler, and Milican were appointed Tellers.

The House then proceeded to vote by ballot.

After all the votes had been counted out, it appeared, that

Mr. Robertson received - - - 38 votes,

And Mr. McGill " - - - 25 "

Mr. Robertson having received a majority of all the votes, was declared duly and constitutionally elected Second Assistant Clerk of the House of Representatives.

Mr. Edwards, of Nacogdoches, introduced a bill to be entitled, "An act to create the county of Angelina."

Bill read a first time.

Mr. McFarland (by request of Mr. Stewart, who was unable to attend) introduced a bill; to be entitled, "An act legalizing the records of all Instruments of Writing which have been authenticated before certain officers of the Republic or State of Texas."

Bill read a first time.

Mr. Eddy made the following report:

COMMITTEE ROOM, }
March 18th, 1846. }

Honorable William E. Crump,

Speaker of the House of Representatives:

The Select Committee, to whom was referred the petition of Joseph McGee, have examined said petition, and other papers appertaining to the same, and have instructed me to report, that in consequence of an error of the Travelling Board of Land Commissioners, East of the Brazos river, for Jasper county, said clerk returned certificate No. 240, for three hundred and sixty-nine acres, (369,) when said certificate called for *three thousand one hundred and twenty-nine* (3129) acres, and the petitioner was justly entitled to that amount.

Your committee have reported the accompanying bill, and recommend the same to the favorable consideration of the House.

All of which is most respectfully submitted.

[Signed]

Z. WM'S EDDY,

Chairman.

A bill, to be entitled, "An act to authorize the Commissioner of the General Land Office to issue a patent to Joseph McGee," was

Read a first time.

On motion of Mr. Bourland, the bill, to be entitled, "An act to create the county of Hopkins, was taken up.

On further motion the House receded from its amendments to said bill.

On motion of Mr. Brown, Mr. Adams was added to the committees on Public Lands and State Affairs.

On further motion of Mr. Brown, Mr. Muckleroy was added to the committees on Claims and Accounts, and State Affairs.

Mr. Burroughs, Chairman of the committee on Enrolled Bills, made the following report:

COMMITTEE ROOM, }
March 19th, 1846. }

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on Enrolled Bills, have examined a bill, to be entitled, "An act defining the duties of State Treasurer,"

A bill, to be entitled, "An act appropriating three thousand dollars, for the contingent expenses of both Houses of the Legislature;" and

A bill, to be entitled, "An act to direct the mode of voting in all popular elections."

The committee have found the said bills correctly enrolled; and, having been signed by the Speaker of the House of Representatives and the President of the Senate, they were this day, presented to his Excellency, the Governor, for his approval.

[Signed]

JAMES M. BURROUGHS,

Chairman.

Report read and accepted.

A bill, to be entitled, "An act to limit suits, on all contracts, prior to a certain time," was taken up.

Mr. White moved that the bill be laid upon the table, for the present.

Mr. Burroughs moved that the bill be laid upon the table, until to-morrow, the 20th instant, ten o'clock.

Motion carried.

Mr. Sublett introduced a bill, to be entitled, "An act to regulate the office of County Treasurer."

Bill read a first time.

Mr. Sublett also introduced a bill, to be entitled, "An act to raise a revenue, for County purposes."

Bill read a first time.

On motion of Mr. White, the bill to be entitled, "An act regulating and defining the duties of Comptroller of Public Accounts," was taken up, together with the amendments thereto proposed by the Senate.

The House concurred in first and fourth amendments, and rejected the second, third, fifth, sixth, seventh and eighth.

A message was received from the Senate, informing the House of the passage of the following bills, by that body:

A bill, to be entitled, "An act to create the county of Comal;"

A bill, to be entitled, "An act to locate the county seat of the county of Comal;"

A bill, to be entitled, "An act to enable the County Surveyor of Rusk county, to make a complete map of said county; and

A bill, to be entitled, "An act to create the county of Panola," with amendments.

Mr. Gooch introduced a bill, to be entitled, "An act to create the counties of New Durham and Barry."

Bill read a first time.

On motion of Mr. Willie, the rule of the House, which requires bills to be read on three several days, was suspended, and the

Bill read a second time.

Mr. Willie then offered the following, as an amendment to the bill:

"Be it further enacted, That the county seat of the county of New Durham, shall be known and called by the name of Gooch."

Amendment adopted.

On motion, the bill was then referred to the committee on County Boundaries.

Mr. Barry introduced a bill, to be entitled, "An act to create the county of Bunkum."

Bill read a first time,

On motion of Mr. Russell, the rule of the House, which requires bills to be read on three several days, was suspended, and the

Bill read a second time.

On motion, the bill was referred to the committee on County Boundaries.

Mr. Russell offered the following resolution:

"Resolved by the House of Representatives, That from and after the first day of May, 1846, no new business shall be introduced, for the consideration of this House, during the present session."

Resolution read and laid upon the table, one day, for consideration.

On motion of Mr. Keenan, Mr. Robertson, Second Assistant Clerk, came forward and took the oath of office.

Mr. Gillett moved, that the resolution offered on a previous day, to elect a Reporter, be taken up.

Motion lost.

On motion of Mr. Brown, the bill, to be entitled, "An act to create the county of Henderson," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on County Boundaries.

On motion, a bill, to be entitled, "An act to create the county of Madison," was taken up, and

Read a second time.

On further motion, the bill was referred to the committee on County Boundaries.

A bill, to be entitled, "An act, to define the boundaries of San Patricio county," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on County Boundaries.

Mr. Dickson moved, that a bill, to be entitled, "An act to create the county of _____," be taken up.

Mr. Sublett moved that the bill be made the special order of the day, for to-morrow, the 20th instant, nine o'clock.

Motion carried.

On motion of Mr. Irion, the House adjourned, until to-morrow morning, nine o'clock.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, FRIDAY, }
March, 20th, 1846. }

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Branch, Bourland, Charlton, Clark, Cooke, Cronican, Dickson, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Howard, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Pattillo, Pease, Perkins, Perry, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Smith of Rusk, Swift, Sublett, Tankersly, Truitt, White, Williams, and Willie.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

A message was received from his Excellency, the Governor, informing the House, that he had approved and signed the following acts:

An act defining the duties of State Treasurer.

An act appropriating three thousand dollars, for the contingent expenses of both Houses of the Legislature; and

An act to direct the mode of voting, in all popular elections.

Mr. Stewart presented the petition of Peter U. Springer—

praying the Legislature to grant him a certificate for one-fourth of a league of land.

Petition read, and

On motion, referred to the committee on Public Lands.

Mr. Stewart also presented the petition of W. E. Howth—praying for a confirmation of the augmentation of his Head-Right, as a married man.

Petition read, and

On motion, referred to the committee on Public Lands.

Mr. Pease, Chairman of the committee on Public Lands, made the following report:

*To the Honorable William E. Crump,
Speaker of the House of Representatives:*

The committee on Public Lands, to whom was referred the petition of James Gilliam, assignee of Jesse Billingsly—praying that the Commissioner of the General Land Office, be instructed to issue to him a patent, for one league of land, upon a certificate issued to said Jesse Billingsly, by the Board of Land Commissioners of Bastrop county, under the provisions of "An act, making provisions for persons who have been permanently disabled, in the service of Texas"—have instructed me to report the same back to the House, with the accompanying bill, the passage of which, is respectfully recommended.

[Signed]

E. M. PEASE.

Chairman.

A bill to be entitled, "An act for the relief of James Gilliam," was

Read a first time.

Mr. Muckleroy made the following report:

The Select Committee, to whom was referred a bill to be entitled, "An act creating the county of Cherokee;" and a bill to be entitled, "An act to create the county of Smith;" have directed me to report said bills back to the House, with the following amendment, to the bill creating the county of Smith:

In the first line of the third section of the bill, strike out the name of Leadbetter," and insert, in lieu thereof, "Wm. B. Duncan."

With this amendment, the committee recommend the passage of the bill.

Report, bills and amendment received, and laid upon the table, to come up in their regular order.

Mr. Pease offered the following resolution:

Resolved, That after the twenty-sixth of March, no private relief bills—except such as may be reported by committees of this House, to whom petitions for such bills, have been heretofore referred—shall be received or considered; unless by a vote of two-thirds of the House.

Mr. Clark moved that the resolution be laid upon the table.

The yeas and nays were called, on the adoption of Mr. Clark's motion, and stood as follows:

Yeas. Messrs. Barry, Bourland, Brown, Cazenau, Charlton, Clark, Durham, Echols, Edwards of Nacogdoches, Erath, Gray, Gillett, Gilliam, Gooch, Howard, Irion, Keenan, McClarty, McCown, McFarland, Miller, Mullens, Noble, Pattillo, Russell, Ryburn, Sadler, Savage, Tankersly, Truitt, White, Williams, and Willie—33.

Nays. Messrs. Speaker, Adams, Branch, Cooke, Cronican, Dickson, Edwards of San Augustine, Eddy, Holland, Jones Mabry, McCulloch, McNeill, Milican, Muckleroy, Pease, Perkins, Rayner, Redgate, Rose, Stewart, Smith of Harris, Smith of Rusk, Swift, and Sublett—25.

So the resolution was laid upon the table.

Mr. Gray, Chairman of the committee on the Judiciary, made the following report:

The committee on the Judiciary, to whom was referred a bill to be entitled, "An act for the protection of widows and orphans," have directed me to report the bill back to the House, with the following amendment:

Strike out all, after the word "enacted," in the second section, and insert, in lieu thereof, the words, "that the proceeds of any sale, made under the provisions of the preceding section, shall be paid over to the widow of the deceased, if he has left one, and if not, then to the guardian or guardians of such child or children."

With this amendment, the passage of the bill is recommended.

[Signed]

P. W. GRAY.

Chairman.

Report, bill and amendment received, and laid upon the table, to come up in their regular order.

Mr. Pease, Chairman of the committee on Public Lands, made the following report:

The committee on Public Lands, to whom was referred a bill to be entitled, "An act for the relief of Isaac Furguson," have directed me to report the same back to the House, with,

the accompanying substitute therefor; the adoption and passage of which, is respectfully recommended.

Report, bill, and substitute received, and laid upon the table, to come up in their regular order.

Mr. Jones introduced a bill, to be entitled, "An act to require the county of Wharton to pay a portion of the county debt of Colorado and Matagorda counties."

Bill read a first time.

Mr. Gilliam introduced a bill, to be entitled, "An act providing for the trial and punishment of crimes and misdemeanors, committed by slaves and free persons of color."

Bill read a first time.

Mr. Stewart introduced a bill, to be entitled, "An act providing for the final disposition of unfinished business, remaining at the adjournment of each session, or adjourned session, of the Legislature of the State of Texas."

Bill read a first time.

Mr. Clark introduced a bill, to be entitled, "An act making an appropriation for the pay of Capt. L. H. Mabitt's company, of Mounted Volunteers, stationed in Shelby county, in the year 1844."

Bill read a first time.

Mr. Adams introduced a bill, to be entitled, "An act to organize the county of Leon."

Bill read a first time.

On motion of Mr. Dickson, the House proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled, "An act to establish the county of _____," was taken up, together with the substitute for the first section.

Bill read a second time.

Mr. McCown moved, that the petitions from Montgomery county, praying for a division of said county, be read.

A message was received from the Senate, informing the House that the Senate had concurred in the amendments of the House, to a bill, to be entitled, "An act to authorize parties to suits, to appear therein in person"

And a bill, to be entitled, "An act authorizing the Governor to cede certain property to the United States."

Mr. Tankersly moved that the bill, to be entitled, "An act creating the county of _____," be referred to the committee on County Boundaries, and that said committee be directed to report thereon, on Monday next. Motion carried.

By leave, Mr. Miller introduced a bill, to be entitled, "An act to authorize plaintiffs to discontinue their suits, in vacation."

Bill read a first time.

A bill, to be entitled, "An act providing for the registration of the separate property of married women," was taken up, and

Read a second time.

On motion of Mr. Holland, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act disposing of the Public Buildings in the city of Austin," was taken up, and

Read a second time.

On motion of Mr. Sublett, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act prescribing and defining the time at which all laws that may be hereafter enacted, may have and go into effect, was taken up,

Read a third time, and passed.

A bill, to be entitled, "An act to prescribe the time of the biennial meeting of the Legislature of the State of Texas," was taken up,

Read a third time, and passed.

The Joint Resolution approving President Polk's administration, was taken up, and

On motion re-committed to the committee on the Judiciary.

A bill, to be entitled, "An act to locate the county seat of Wharton county," was taken up,

Read a third time, and passed.

A bill, to be entitled, "An act to exclude from office, serving on juries, and from the right of suffrage, all persons who may hereafter be convicted, and upon whom final judgment has been executed, of bribery, perjury, subornation of perjury, forgery, countefeiting, &c., &c.," was taken up,

Read a third time, and passed.

A bill, to be entitled, "An act to organize the county of 'Anderson,' was taken up, together with the amendments thereto from the Senate.

Amendments read, and concurred in.

The bill was then read a third time, and passed.

A bill, to be entitled, "An act to create the county of Dallas," was taken up, —

Read a third time, and passed.

Mr. Sublett moved, that the House adjourn until ten o'clock to-morrow morning.

Motion lost.

Mr. Williams moved, that the House adjourn until three o'clock, p. m.

Motion lost.

Mr. Williams then moved that the House adjourn until Monday nine o'clock, a. m.

Motion lost.

Mr. Jones moved that the House adjourn until nine o'clock to-morrow morning.

Motion lost.

A bill, to be entitled, "An act to limit suits on contracts prior to a certain time, was taken up, and,

On motion of Mr. Echols, made the special order of the day for Monday next, three o'clock, p. m.

Mr. Echols moved, that the house adjourn until nine o'clock, to-morrow morning.

The yeas and nays were called, on the motion to adjourn, and stood as follows:

Yeas. Messrs. Brown, Burroughs, Dickson, Durham, Echols, Erath, Gillett, Howard, Irion, Keenan, McClarty, McCulloch, McNeill, Ogden, Ryburn, Savage, Sublett, Williams and Willie—19.

Nays. Messrs. Speaker, Adams, Barry, Branch, Bourland, Charlton, Clark, Cooke, Cronican, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gilliam, Gooch, Holland, Jones, Mabry, McFarland, Miller, Milican, Mullens, Pattillo, Pease, Perkins, Rayner, Redgate, Rose, Sadler, Stewart, Smith of Harris, Smith of Rusk, Tankersly Truitt, and White—35.

So the House refused to adjourn.

Mr. Tankersly moved, that the House again proceed to the orders of the day.

Motion carried.

A bill; to be entitled, "An act regulating the mode of selecting Grand and Petit Jurors," was taken up.

On motion a call of the House was made.

Mr. Rose moved, that the House adjourn, until Monday, nine o'clock, a. m.

Motion lost.

On motion of Mr. Ogden, the House adjourned, until to-morrow morning, nine o'clock.

HOUSE OF REPRESENTATIVES,
CITY OF AUSTIN,
Saturday, March 21st, 1846.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Branch, Bourland, Brown, Burroughs, Charlton, Clark, Cooke, Cronican, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Howard, Irion, Jones, Keenan, Mabry, McClarty, McCown, McCulloch, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Perry, Rayner, Redgate, Rose, Ryburn, Sadler, Savage, Smith of Rusk, Swift, Sublett, Tankersly, Truitt, White, Williams and Willie.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Miller introduced a bill, to be entitled, "An act to authorize Justices of the Peace, who are practicing Attorneys, to appear in the Appellate Court in support of their decisions."

Bill read a first time.

Mr. Holland introduced a bill, to be entitled, "An act to authorize the establishing of subordinate Land Offices, in the town of Marshall and county of Harrison."

Bill read a first time.

Mr. Dickson introduced a bill, to be entitled, "An act to create the county of Grimes."

Bill read a first time.

On motion of Mr. Clark, the House proceed to the

ORDERS OF THE DAY.

A bill, to be entitled, "An act to create the county of Panola," was taken up—together with the amendments thereto, proposed by the Senate.

Amendments read and concurred in.

A bill, to be entitled, "An act creating the county of Polk," was taken up—together with the amendments thereto, proposed by the House and rejected by the Senate.

Mr. Charlton moved that the House recede from the amendments.

Motion lost.

Mr. Branch moved that a committee be appointed, on the part of the House, to confer with a like committee, on the part of the Senate, relative to the amendments to the bill now under consideration.

Motion carried.

The Speaker then appointed Messrs. Branch, Sadler and Mabry, to compose said committee.

On motion of Mr. McFarland, the substitute for the bill, to be entitled, "An act regulating juries," was taken up, and

Read a second time.

On motion of Mr. Brown, the twelfth section of the bill was amended by striking out the word "man," and inserting in lieu thereof the word "person."

Mr. Willie offered the following as an amendment to the bill, to come in as the thirteenth section.

"SECTION THIRTEEN. *Be it further enacted*, That the Foreman of the Grand Jury shall return into court, all bills enquired of, before the Grand Jury, which are found to be untrue, with the endorsement: "*Not a true bill;*" and a list upon such bills, of all persons sworn as witnesses before the Grand Jury; and the name of the informer. And no offence shall be enquired into, before any Grand Jury, and no witness sworn—except upon written bills, charging the person with such offence, previous to any investigation by the Grand Jury, unless in cases where it is otherwise provided by law. And the Court shall charge the Grand Jury *expressly* upon this section."

Amendment read and rejected.

On motion of Mr. Bourland, the bill was made the special order of the day, for Monday next, the twenty-third instant, at three o'clock.

A bill, to be entitled, "An act to authorize the Corporation of Galveston, to levy a tax for the support of Free Shools," was taken up, and Read a first time.

A "Joint Resolution, instructing our Senators, in the Congress of the United States, to apply to the Government of the United States, for a copy of the laws of the United States—also, a copy of the Decisions of the Supreme Court," was taken up, and

Read a second time.

Mr. Willie moved that the Joint Resolution be indefinitely postponed.

On motion of Mr. Bourland, the Joint Resolution was laid upon the table.

A bill, to be entitled, "An act to create the county of Smith," was taken up; together with the substitute therefor.

Substitute read, and,

On motion of Mr. Sadler rejected.

On motion of Mr. Brown, the name of "Leadbetter," was stricken out, and "Wm. B. Duncan," inserted in lieu thereof.

The bill was then passed to a third reading.

A bill, to be entitled, "An act prescribing the time at which all laws shall have and go into effect," was taken up,

Read a third time and passed.

A bill, to be entitled, "An act to provide for the change of venue, in civil cases," was taken up, and

Read a first time.

A bill, to be entitled, "An act to create the county of Collin," was taken up, and

Read a first time.

Mr. McFarland moved that the rule of the House, which requires bills to be read on three several days, be suspended.

Motion carried.

The bill was then read a second time, and

On motion referred to the committee on County Boundaries.

By leave, Mr. Irion made following report:

To the Hon. William E. Crump,

Speaker of the House of Representatives:

The committee on County Boundaries to whom was referred sundry bills, with petitions, for the organization and establishment of new counties, have examined the same, and recommend the following to the favorable consideration of the House:

A bill, to be entitled, "An act to organize the county of Upshur," and

A bill, to be entitled, "An act to establish and define the limits of the county of San Patricio."

In a bill, to be entitled, "An act to establish the county of Madison," the committee would respectfully suggest that the word "Madison," be stricken out wherever it occurs in the bill, and the word "*Nueces*" inserted in its stead.

For a bill, to be entitled, "An act to create the county of Limestone," they have reported a substitute, and recommend the adoption of the same.

They have also examined the various petitions, from Montgomery county; and beg leave to report back to the House, the report of the Select Committee, (which was referred to

this committee, with instructions to report on Monday next,) and recommend the adoption of said report, so far as relates to the establishment of Walker county.

And the committee further recommend that the remainder of the territory of Montgomery county, be so divided as to make other counties.

[Signed]

VAN R. IRION.

Chairman.

Report read and received, and laid upon the table, to come up in its regular order.

Mr. Dickson moved that the bill, to be entitled, "An act creating the county of Walker;" together with the substitute for the first section thereof, offered by the Select Committee, be taken up.

Motion carried.

Mr. Keenan moved that the substitute be adopted.

The yeas and nays were called, on the adoption of the substitute, and stood as follows:

Yeas. Messrs. Speaker, Adams, Branch, Bourland, Brown, Burroughs, Charlton, Clark, Cooke, Cronican, Dickson, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gray, Gillett, Gooch Holland, Howard, Irion, Jones, Keenan, Mabry, McClarty, McCulloch, McFarland, Miller, Milican, Muckleroy, Mullens, Noble, Ogden, Pease, Perkins, Perry, Rayner, Rose, Ryburn, Sadler, Savage, Stevenson, Stewart, Smith of Rusk, Sublett, Swift, Truitt, White, Williams, and Willie.
—51.

Nays. Messrs. McNeill, and Smith of Harris—2.

So the substitute was adopted.

Messrs. McCown and Russell were excused from voting on the question just acted upon by the House.

Mr. Stewart offered the following, as an additional section to the bill:

"That the county of Walker, shall pay its proportionate share of the debt, due by the County Court of Montgomery county, and the County Court of Walker county—to be paid to the parties who may hold such apportioned debts—in the manner in which said County Courts may determine."

Amendment adopted.

Mr. Dickson moved that the blanks in the bill, wherever they occur, be filled with the word "Walker."

Amendment adopted.

Mr. Keenan moved that the bill be engrossed.

Motion carried.

Mr. Dickson moved to suspend the rule, and take up a bill, to be entitled, "An act creating the county of Grimes."

Motion carried.

A bill, to be entitled, "An act creating the county of Grimes," was then taken up, and

Read a second time.

On motion, the bill was referred to the committee on County Boundaries.

Mr. Bourland, by leave, introduced the following resolution:

"*Resolved*, That with the concurrence of the Senate, the two Houses will go into the election of a Public Printer, to print the laws and journals of the present session of the Legislature, on Wednesday next, at three o'clock, p. m.

Resolution read, and laid upon the table one day, for consideration.

Mr. Dickson moved a reconsideration of the vote of the House, which referred a bill to be entitled, "A act creating the county of Grimes," to the committee on County Boundaries.

Motion carried.

The bill was then taken up and read.

Mr. McNeill offered the following, as an amendment to the first section of the bill:

"To the head of Spring Creek; and from the head of Spring Creek, to the head of Pond Creek; thence on a straight line, to the mouth of Beason's Creek, on the Brazos river."

Amendment adopted.

On motion of Mr. Dickson, the bill was then ordered to be engrossed.

Mr. Cazenau moved that the rule of the House, which requires resolutions to lie one day on the table, for consideration, be suspended.

Motion carried.

On further motion of Mr. Cazenau, the "Resolution to go into the election of a Public Printer, on Wednesday next," was taken up.

Mr. Cazenau then moved that the word "Wednesday," be stricken out of the bill, and the word "Monday," inserted, in lieu thereof.

On motion of Mr. Tankersly, the resolution was laid upon the table, until Monday, ten o'clock, a. m.

A bill to be entitled, "An act to create the county of Upshur," was taken up, and

Read a first time,

A bill to be entitled, "An act to provide for the enumeration of the inhabitants of the State of Texas," was taken up, and
Read a first time.

A bill to be entitled, "An act to organize Justices' Courts, and to define the powers and jurisdiction of the same," was taken up, and

Read a first time.

On motion of Mr. Willie, a "Resolution making an appropriation for the mileage and *per diem* pay, of Wm. H. Ewing, for his services, as witness in the case of the Hon. L. G. Dupree and A. G. Haynes, was taken up.

On further motion, the resolution was referred to the committee on Contingent Expenses.

On motion of Mr. Williams, the House adjourned until Monday morning, nine o'clock.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, MONDAY, }
March, 23d, 1846. }

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Branch, Bourland, Brown, Charlton, Clark, Cooke, Cronican, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gillett, Gilliam, Gooch, Holland, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, McNeill, Milican, Muckleroy, Mullens, Noble, Pattillo, Pease, Perkins, Perry, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Stevenson, Stewart, Smith of Rusk, Swift, Sublett, Tankersly, Truitt, White, Williams, and Willie.

A quorum being present, the House proceeded to business.

The Journal of Saturday, the 21st inst., was read and adopted.

Mr. Russell presented a petition from the citizens of Bowie county, praying for the establishment of a new county.

Petition read, and,

On motion, referred to the committee on County Boundaries.

Mr. Brown presented a petition from the citizens of Nacogdoches county, praying for a division of their county.

Petition read, and,

On motion, referred to the committee on County Boundaries.

Mr. Smith, of Harris, presented the petition of the heirs of John C. Grace, Edward J. Johnson, and Richard Disney, praying for the quantity of land the aforesaid parties were entitled to. Petition read, and,

On motion, referred to the committee on Public Lands.

Mr. Rose, Chairman of the Committee on Contingent expenses, made the following report:

The committee on Contingent expenses, to whom was referred a "Resolution making an appropriation for the mileage and *per diem* pay of Wm. H. Ewing, for his services as witness in the contested election between the Hon. L. G. Dupree and A. G. Haynes," have instructed me to report the same back to the House, and to recommend its passage.

Report and resolution received, and laid upon the table, to come up in their regular order.

Mr. Keenan, Chairman of the committee on Education made the following report:

COMMITTEE ROOM, }
March 21st, 1846. }

Honorable Wm. E. Crump,

Speaker of the House of Representatives:

Your committee, to whom was referred the memorial of the Association of the Friends of Education, in relation to the establishment of a general and uniform system of Common Schools in this State, with the annexed reports on the best modes of teaching, and the means of providing teachers, have had the same under consideration, in connection with that part of the Governor's Message relating to Education, together with a bill, to be entitled, "An act to make provision for Public Schools, and would respectfully report:

That they consider the organization of a uniform system of common schools and academies for the instruction of the youth of the country in all the elementary branches of an English education, and the endowment of colleges or seminaries for the higher grades of learning, of paramount importance to us as a State, and should receive the earliest attention of the Legislature. Your committee, however, at this time, and under the existing circumstances, think it inadvisable, if not impossible, to recommend any plan for the immediate action of your House.

The munificent donations made by the Congress of the Republic of Texas, and the provisions of the Constitution of the State, for the appropriation of a portion of the revenue derived from taxation, will insure to the people, if judiciously managed, the ultimate establishment of a system of schools; unsurpassed by any in the Union. The Congress of 1839, acting under the fifth section of the General Provisions of the Constitution of the Republic, appropriated *fifty leagues of land* to the erection and endowment of two colleges or universities; also *three leagues to each county*, for the establishment of common schools.

At the subsequent session of Congress, an additional league was granted to every county, for the promotion of the same object. Some of these lands have been located; but for want of concert of action between the different counties, and the inefficient plan adopted for the management of the donations, many of the counties have neglected to cause locations and surveys to be made, or in any manner to convert the fund to the purposes for which it was intended. Under a provision of the Constitution of the State of Texas, the lands cannot be disposed of but by lease, and for a time not exceeding twenty years. From existing circumstances—the low value of lands, the large quantity in market, and the facility of acquiring title by *fee simple*, to wild and uncultivated lands—the appropriations are unavailable at present, and will continue so until the country becomes more densely populated, or until, by a change of provisions, they can be brought into market, free from the restrictions under which they are now placed. By the Constitution it is made the duty of the Legislature to set aside not less than one tenth part of the revenue derived from taxation, as a fund for the maintenance of common schools. But until the State government is fairly arranged, and under successful operation—until taxes are assessed and collected—nothing can be expected from that source; and even then, not more than the minimum amount can be anticipated, which would be inadequate to the successful organization and support of schools throughout the State, under any system that would be uniform in its operation. To accomplish the object so much desired, and to derive the greatest benefits from the liberal appropriations that have been made, or that may hereafter be provided, your committee are persuaded, can best be effected by delaying for a time, the establishment of schools, until the available funds will be sufficient to organize, in every county, under the same general plans and regulations; and in the intermediate,

cause the lands to be located and surveyed, and the titles to them fully perfected. This much should be accomplished as soon as possible, and a plan of general, systematic education adopted, suited to the condition and habits of the people of the State. To effect this object, your committee believe that a Board of School Commissioners for the State, should be established, whose duty it should be, either in person or by agent, to have the lands located and surveyed, in parts of the State where they will soonest be available, and the titles perfected and secured against the claims and locations of individuals. They are also of opinion, that the donations, of all kinds whatsoever, hereafter made, or which may hereafter be given, should constitute a State fund, and be placed under the direction and management of the Board of School Commissioners; subject, however, to the supervision and control of the Legislature. The Board of School Commissioners should also have power, during the interim between this and the succeeding session, to delegate an agent to the different States of the Union, in which the system of common schools have been most successfully introduced; who should be required to examine minutely into the manner of conducting them, and into everything relating to the subject; and, if possible, digest a plan best suited to the people of the people of the State, under all circumstances; and report to the Legislature at its next session, with all the facts and reasons for the plan so recommended.

The bill under consideration, provides as fully for these objects, as, perhaps, it is necessary to do, at the present time.

Your committee would therefore respectfully report it back to the House; with the amendment, filling the blanks with the names of the "Governor," "Secretary of State," and Commissioner of the General Land Office, and their successors in office," and recommend it to the favorable consideration of your honorable body.

[Signed]

C. J. KEENAN,
Chairman.

Report read, and laid upon the table to come up among the orders of the day.

Mr. Eddy introduced a bill, to be entitled, "An act creating the county of Newton." Bill read a first time.

Mr. Rose introduced a bill, to be entitled, "An act to settle conflicting rights between the counties of Victoria, De Witt, La Vaca, Jackson, Refugio, and Calhoun."

Bill read a first time.

Mr. Holland introduced a bill to be entitled, "An act to require certain testimony, in suits brought for the recovery of real estate."

Bill read a first time.

Mr. McCulloch introduced a bill to be entitled, "An act authorizing the Chief Justice of Gonzales county, to hold elections in the counties of Guadalupe, De Witt, and La Vaca."

Bill read a first time.

On motion of Mr. McNeill, the House proceeded to the

ORDERS OF THE DAY.

A bill to be entitled, "An act to authorize the corporation of Galveston, to levy a tax for the support of free schools," was taken up, and

Read a second time.

On motion, the bill was passed to its third reading.

A bill to be entitled, "An act to provide for the enumeration of the inhabitants of the State of Texas," was taken up, and

Read a second time.

On motion of Mr. Brown, the bill was referred to the committee on State Affairs.

A bill to be entitled, "An act to provide for the change of venue, in civil and criminal cases," was taken up, and

Read a second time.

On motion of Mr. Branch, the bill was referred to the committee on the Judiciary.

A bill to be entitled, "An act creating the county of Smith," was taken up, and

Read a third time.

On motion of Mr. Branch, the bill was re-committed to the committee on County Boundaries.

A bill to be entitled, "An act creating the county of Cherokee," was taken up, and

Read a third time.

On motion of Mr. Brown, the bill was re-committed to the committee on County Boundaries.

A bill to be entitled, "An act to protect religious denominations, in the peaceable enjoyment of their own mode of Divine worship," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A message was received from his Excellency, the Governor, in answer to a resolution, calling for information—with accompanying documents.

A bill to be entitled, "An act to organize Justices' Courts, and define the power and jurisdiction of the same," was taken up, and

Read a second time.

On motion of Mr. Brown, the House resolved itself into a committee of the whole, on the bill just read.

After some time being spent thereon, the committee rose, reported progress, and asked leave to sit again.

Report adopted.

Mr. Perkins introduced a bill to be entitled, "An act to restore lands, sold for taxes, to their former owners."

Bill read a first time.

Mr. Gray moved that the communication, received from his Excellency, the Governor, be taken up.

Mr. Dupree moved that the House adjourn until to-morrow morning, nine o'clock.

Motion lost.

Mr. Branch moved that the House adjourn until three o'clock, P. M.

Motion lost.

There not being a quorum present, a call of the House was made.

On motion of Mr. Dickson, a further call of the House was suspended.

Mr. Keenan renewed the motion of Mr. Gray, to take up the communication from his Excellency, the Governor.

Motion carried.

The following communication was then taken up and read :

EXECUTIVE DEPARTMENT, }
AUSTIN, March 21st, 1846. }

To the Honorable, the

House of Representatives :

In reply to the resolution of your honorably body, of the 17th instant, the Executive has the honor to transmit, herewith, for the information of the Legislature, an estimate made by the Comptroller, of the probable annual expenses of the Government; together with the statement of the amount of money now in the Treasury. Also a communication, from the Comptroller to the Executive, containing other information and suggestions, connected with the subject of enquiry.

It will be observed, that the total estimated expenses, for the first year, is *ninety-five thousand seven hundred and sixty-three dollars, and forty-six cents*; which estimate includes, *thirty-nine thousand, one hundred and ninety-one dollars, and forty-six cents*—the expense of the Legislative Department—and shows that the estimated average annual expenses, for the next two years, will be *seventy-six thousand, one hundred and sixty-seven dollars, and seventy-three cents*.

[Signed]

J. PINCKNEY HENDERSON.

Mr. Russell, Chairman of the committee on Engrossed bills, made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on Engrossed bills, have examined:

A bill to be entitled, "An act to establish the county of Walker;" and

A bill to be entitled, "An act creating the county of Grimes;" and find the same correctly engrossed.

[Signed]

A. J. RUSSELL.

Report read and accepted.

Mr. Bourland moved that five hundred copies of the Governors message, and accompanying documents, be printed for the use of the House.

On motion of Mr. Stewart, the message and accompanying documents, were referred to the committee on Finance.

Mr. Dupree moved that the House adjourn until to-mornnig, nine o'clock.

Motion lost.

Mr. Stewart moved that the House adjourn, until three o'clock, P. M.

Motion lost.

On motion of Mr. Dickson, the bill to be entitled, "An act creating the county of Grimes," was taken up,

Read a third time and passed.

Mr. Rose moved that the House adjourn, until to-morrow morning, nine o'clock.

The yeas and nays were called, on the adoption of Mr. Rose's motion, and stood as follows:

Yeas. Messrs. Adams, Bourland, Cronican, Dupree, Edwards of Nacogdoches, Gillett, Howard, Hudson, Irion, McClarty, Muckleroy, Rose, Russell, Stewart, White, and Willie—16,

Nays. Messrs. Speaker, Barry, Branch, Brown, Burroughs, Cazenau, Charlton, Clark, Dickson, Durham, Echols, Edwards of San Augustine, Eddy, Gray, Gilliam, Gooch, Holland, Jones, Keenan, Mabry, McFarland, McNeill, Miller, Milican, Mullens; Noble, Ogden, Pattillo, Pease, Perkins, Perry, Rayner, Redgate, Sadler, Savage, Smith of Rusk, Swift, Tankersly, and Truit—39.

So the motion to adjourn, was lost.

On motion of Mr. McNeill, the House adjourned, until three o'clock, P. M.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Branch, Brown, Charlton, Clark, Cronican, Dickson, Echols, Eddy, Erath, Gillett, Gilliam, Gooch, Holland, Howard, Mabry, McCown, McCulloch, McFarland, Miller, Muckleroy, Mullens, Noble, Pattillo, Pease, Perkins, Perry, Rayner, Redgate, Rose, Sadler, Savage, Smith of Rusk, Swift, Tankersly, and Truitt.

There not being a quorum present, the House adjourned, until to-morrow morning, nine o'clock.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, TUESDAY,
March 24th, 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Bourland, Brown, Burroughs, Charlton, Clark, Cooke, Dickson, Durham, Echols, Edwards, of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gilliam, Gooch, Holland, Irion, Jones, Keenan, Mabry McClarty, McCown, McCulloch, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Pattillo, Pease, Perkins, Perry, Rayner, Redgate, Rose, Russell, Sadler, Savage, Stewart, Tankersly, Truitt, White, Williams, and Willie.

A quorum being present, the House proceeded to business.
The Journal of the preceding day was read and adopted.

Mr. Charlton presented two petitions from the citizens of Trinity county; also, one petition from a portion of the citizens of Liberty county, praying for the formation of new counties.

Petitions read, and,

On motion, referred to the committee on County Boundaries.

Mr. Eddy presented the petition of Jacob Becker, praying for two-thirds of a league and a labor of land, as the balance of his head-right.

Petition read, and,

On motion, referred to the committee on Public Lands.

Mr. Gray, Chairman of the committee on the Judiciary, made the following report :

*To the Honorable Speaker of
the House of Representatives :*

The committee on the Judiciary have considered a bill, to be entitled, "An act for the relief of owners of slaves, convicted and executed under the laws of this State," and instruct me to propose the following amendments thereto:

In the last line of the first section, wherever it occurs, strike out the word "Treasurer," and insert "Comptroller of Public Accounts."

In the fourth line of the second section, strike out the words, "pay thereon to," and insert, "draw his warrant on the Treasurer in favor of."

In the fifth line of the second session, after the word "certificate, insert the word "for;" also strike out the entire third section of the bill.

With these amendments, a majority of the committee recommend the passage of the bill. A minority, consisting of Messrs. Gilliam, Pease, and the undersigned, *dissent.*

[Signed]

P. W. GRAY,

Chairman.

Report, bill, and substitute received, and laid upon the table, to come up among the orders of the day.

Mr. Gray, Chairman of the committee on the Judiciary, also made the following report:

*To the Honorable Speaker
of the House of Representatives :*

The committee on the Judiciary, to whom was referred a "Joint resolution for disposing of a portion of the public

buildings, in the city of Austin," have considered the same, and instruct me to report the following amendments:

In the first section, after the word "Resolved," insert "by the Legislature of the State of Texas."

Strike out the words, "Secretary of State," wherever they occur, and insert, "Comptroller of Public Accounts."

Fill the blanks in the first section with the words, "twenty-fourth," and "April."

Insert in the sixth line of the first section, after the word "Texas," the words, "and the lots on which they are situated."

Add, at the end of the first section, as follows: "Except, also, such buildings as are required by the Joint Resolutions of annexation to be ceded to the United States."

In the second line of the second section, strike out the word "third," before "cash," and insert "fourth."

In the fourth line of the same section, after the word "note," insert the words, "payable to the Comptroller of Public Accounts;" and fill the blank, before the word "responsible," with the word "two."

With which amendments, the committee recommend the passage of the resolution.

[Signed]

P. W. GRAY,
Chairman.

Report, Joint Resolution, and amendments received, and laid upon the table, to come up among the orders of the day.

Mr. Gray, Chairman of the committee on the Judiciary, made the following report:

*To the Hon. Speaker
of the House of Representatives:*

The committee on the Judiciary, have had under consideration a "Resolution, approving President Polk's administration," and instruct me to report the following amendment:

Strike out the words, "Legislature of the State of Texas," and insert, "House of Representatives."

With this amendment, they recommend the adoption of the resolution.

They have also considered a bill to be entitled, "An act regulating and defining the salaries of Executive and Judicial officers of the State of Texas;" and recommend its reference to the committee on Finance.

[Signed]

P. W. GRAY.
Chairman.

Report, resolution, amendment, and bill, laid upon the table, to come up among the orders of the day.

Mr. Tankersly, Chairman of the committee on Finance, made the following report:

*To the Honorable Speaker of the
House of Representatives:*

The committee on Finance, to whom was referred the bill to be entitled, "An act to raise a revenue by direct taxation," have had the same under consideration, and a majority of said committee, instruct me to report a substitute for said bill and amendments; which, together with the estimate of said majority, is herewith submitted to the consideration of the House.

[Signed]

B. F. TANKERSLY.

Chairman,

Report, bill and substitute laid upon the table, to come up among the orders of the day.

Mr. Irion, Chairman of the committee on County Boundaries, made the following report:

*To the Honorable W. E. Crump,
Speaker of the House of Representatives:*

The committee on County Boundaries, have examined a bill to be entitled, "An act to create the county of Collin." They beg leave to report a substitute for the first section; with the adoption of which, they recommend the passage of the bill.

They have also examined a bill to be entitled, "An act to establish Cass county;" and recommend the following amendments to be made thereto:

From the word "beginning," in the seventh line of the first section, strike out all, after the word "the" in the thirteenth line; and insert the amendments thereto appended.

In the second section, add, after the word "State," in the last line of the section, "except as to the right of forming a separate Land District."

[Signed]

VAN R. IRION.

Chairman.

Report, bills and amendments received, and laid upon the table, to come up among the orders of the day.

Mr. Russell, Chairman of the committee on Engrossed bills, made the following report:

*To the Honorable W. E. Crump,
Speaker of the House of Representatives :*

The committee on Engrossed bills, have examined the following bill, and find the same correctly engrossed :

A bill to be entitled, "An act to legalize the marriage of Sam. M. Parry with Elizabeth Neise, and legitimating their children."

[Signed]

A. J. RUSSELL,
Chairman.

Report read and accepted.

Mr. Holland introduced a bill to be entitled, "An act to locate the Supreme Court."

Bill read a first time.

Mr. Dickson introduced a bill to be entitled, "An act fixing the county seat of Justice, for the county of Grimes."

Bill read a first time.

Mr. Willie moved that the resolution, to go into the election of Public Printer, be taken up.

Motion lost.

On motion of Mr. Tankersly, the bill to be entitled, "An act to exempt certain property from forced sale;" together with the substitute therefor, offered by the committee, were taken up

Substitute read and adopted.

Mr. Tankersly then moved that the bill be read by sections.

Motion carried.

Mr. Bourland moved that the first section be amended, by striking out the word "five," and inserting the word "two," before the word "Cows and Calves."

Amendment rejected.

Mr. Echols moved to amend, by inserting, "fifteen head of sheep and five goats."

Amendment rejected.

Mr. White moved to amend the first section, by inserting, "ten hens and chickens, together with all the poultry about the yard."

Amendment rejected.

On motion of Mr. Irion, the bill was laid upon the table, until to-morrow, three o'clock, P. M.

By leave, Mr. Burroughs, Chairman of the committee on Enrolled bills, made the following report :

The committee on Enrolled bills, have examined the following, and find the same correctly enrolled :

A bill to be entitled, "An act to create the county of De Witt."

A bill to be entitled, "An act to locate the county seat of De Witt county."

A bill to be entitled, "An act to organize the county of Burleson."

A bill to be entitled, "An act to locate the seat of Justice of Guadalupe county."

A bill to be entitled, "An act to define the boundaries of the county of Fort Bend."

A bill to be entitled, "An act to provide for fixing the seat of Justice, of the county of Austin."

A bill to be entitled, "An act to enable the County Surveyor of Rusk county, to make a complete map of said county."

A bill to be entitled, "An act to create the county of Comal;" and

A bill to be entitled, "An act to define the boundaries of the county of Brazoria."

Said bills, having been signed by the Speaker of the House of Representatives and the President of the Senate, *pro tem.*, were on the twenty-fourth of March, eighteen hundred and forty-six, presented to his Excellency, the Governor, for his approval.

Report read and accepted.

On motion of Mr. Tankersly, the House proceeded to take up the

ORDERS OF THE DAY.

A bill to be entitled, "An act to authorize the Corporation of the city of Galveston, to levy a tax for the support of Free Schools;" was taken up,

Read a third time and passed.

A bill to be entitled, "An act to settle the conflicting rights, between the counties of Victoria, De Witt, La Vaca, Jackson, and Calhoun," was taken up, and

Read a second time.

On motion of Mr. White, the bill was referred to the committee on the Judiciary.

A bill to be entitled, "An act to require certain testimony, in suits brought for the recovery of real estate," was taken up, and

Read a second time.

On motion of Mr. Holland, the bill was referred to the committee on the Judiciary.

A bill to be entitled, "An act to limit suits on foreign debts, was taken up, together with the substitute therefor, offered by the committee on the Judiciary.

Mr. Irion moved that the bill and substitute be laid upon the table, until four o'clock, P. M.

Motion lost.

Mr. Rose moved that the bill and substitute be laid upon the table, until the first day of July next.

The yeas and nays were called, on the adoption of Mr. Rose's motion, and stood as follows :

Yeas. Messrs. Adams, Brown, Dickson, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Howard, McClarty, Miller, Milican, Muckleroy, Mullens, Pease, Perkins, Perry, Sadler, Savage, Swift, Tankersly, Truitt, and White—23.

Nays. Messrs. Speaker, Barry, Burroughs, Cazenau, Charlton, Clark, Cooke, Cronican, Dupree, Durham, Echols, Gray, Gillett, Gilliam, Gooch, Holland, Irion, Jones, Keenan, Mabry, McCown, McCulloch, McFarland, McNeill, Noble, Pattillo, Rayner, Russell, Stevenson, Stewart, Smith of Harris, and Williams—33.

So the motion was rejected.

On motion of Mr. Irion, the bill was laid upon the table, until to-morrow, four o'clock, P. M.

By leave, Mr. Pease made the following report, with the accompanying resolution :

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives :*

A majority of the Joint, Select committee, to whom was referred the memorial of Wm. S. Whitmore, James Holford, and James Hamilton, beg leave to report :

That, inasmuch as the Legislature has manifested a determination, not to examine, audit and pass upon any claims, against the late Republic of Texas ; but to refer them to the Board of Commissioners, to be organized for that purpose ; they ask leave to be discharged from the further consideration of the same ; and ask, that the memorialists have leave to withdraw their memorials, with the accompanying documents, and file them with the Comptroller of the Treasury—that they may be referred to said Board for adjustment.

They also, beg leave to report the following resolution, and recommend its passage :

Resolved, That General James Hamilton, for his early support of the cause of Texas, and defence of her citizens, in the Senate of South Carolina ; and for the zeal ability and success, with which he conducted her foreign negotiations, in procuring

the recognition of her independence, by the leading European powers—deserves the gratitude of the nation.

All of which, is respectfully submitted.

[Signed]

{ E. M. PEASE,
W. H. BOURLAND,
A. McNEILL,
W. E. HOWARD,
Committee of the House.

[Signed]

{ J. G. McNEEL,
W. M. WILLIAMS,
Committee of the Senate.

Mr. Gray moved that the report and resolution, be laid upon the table, to come up with the orders of the day.

Mr. Brown moved that the report, detached from the resolution, be adopted.

The yeas and nays were called, on the adoption of the report, detached from the resolution, and stood as follows:

Yeas. Messrs. Speaker, Adams, Barry, Bourland, Brown, Burroughs, Cazenau, Cooke, Cronican, Dupree, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gillet, Gilliam, Gooch, Howard, Hudson, Jones, Keenan, Mabry, McClarty, McCown, McCulloch, McFarland, McNeill, Miller, Muckleroy, Noble, Pease, Perkins, Redgate, Rayner, Rose, Russell, Savage, Stevenson, Stewart, Swift, Tankersly, Truitt, and Willie—44.

Nays. Messrs. Charlton, Clark, Dickson, Echols, Holland, Irion, Milican, Mullens, Pattillo, Perry, Sadler, Smith of Harris, and White—13.

So the report was adopted.

Mr. McClarty moved that the House adjourn, until three o'clock, P. M.

Motion lost.

On motion of Mr. McClarty, the word "final," in the report, was stricken out.

Mr. Pease, by leave, withdrew the resolution from the report, and then offered the following resolution:

Resolved, That General James Hamilton, for his early support of the cause of Texas, and defence of her citizens, in the Senate of South Carolina; and for the zeal, fidelity, ability and success, with which he conducted her foreign negotiations, in procuring the recognition of her independence, by the leading European Powers, deserves the gratitude of the country.

Mr. Brown moved that the resolution be laid upon the table, until three o'clock, to-morrow.

Mr. Irion moved that the resolution be laid upon the table, until the thirty-first of December, eighteen hundred and forty-six.

Mr. Brown moved that the House adjourn, until three o'clock, P. M.

Motion lost.

The yeas and nays were then called, on the adoption of the resolution, and stood as follows:

Yeas. Messrs. Speaker, Bourland, Brown, Cazenau, Dupree, Durham, Edwards of Nacogdoches, Gooch, Howard, Hudson, Jones, Mabry, McClarty, McCulloch, McNeill, Pease, Perkins, Rayner, Rose, Russell, Stevenson, Stewart, Swift, and Willie—24.

Nays. Messrs. Adams, Barry, Burroughs, Charlton, Clark, Cooke, Cronican, Dickson, Edwards of San Augustine, Eddy, Gray, Gillett, Holland, Irion, Keenan, McCown, McFarland, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo, Perry, Redgate, Savage, Smith of Harris, Smith of Rusk, Tankersly, Truitt, and White—32.

So the resolution was rejected.

A message was received from Senate, informing the House that they had concurred in the amendments of the House, to a bill to be entitled, "An act creating the county of Dallas;" and that they had refused to recede from the amendments to the "Comptroller's bill;" and that they had appointed a committee of conference thereon, and requested the appointment of a like committee on the part of the House.

The House was also informed of the refusal of the Senate, to concur in the amendments of the House, to a bill to be entitled, "An act to exclude from office, from the right of suffrage, and from serving on juries, persons convicted of certain high crimes and misdemeanors."

On motion of Mr. Echols, the House adjourned until three o'clock, P. M.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Bourland, Brown, Burroughs, Cazenau, Charlton, Clark, Cook, Cronican, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San

Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo, Pease, Perkins, Perry, Rayner, Redgate, Rose, Russell, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truitt, White, and Willie.

A quorum being present, the House proceeded to business.

Mr. Stewart offered the following resolution :

Resolved, That the Commssioner of the General Land Office, be requested to lay before this House, an estimate of the probable annual expenses of said office, for the next two years ; together with such other information, relative to the General Land Office, as he may deem useful.

On motion, the resolution was laid upon the table, one day.

A message was received from his Excellency, the Governor, informing the House that he had approved and signed the following bills :

“An act to create the county of Comal ;”

“An act to establish the county seat of the county of Comal ;”

“An act to organise the county of Burleson ;”

“An act to create a new county, out of a part of the counties of Gonzales, Victoria, and Goliad,” to be called the county of De Witt ;”

“An act to establish the seat of Justice of the county of Guadalupe ;”

“An act to define the boundaries of the county of Brazoria ;”

“An act to define the boundaries of the county of Fort Bend ;”

An act to locate the county seat of Dewitt county,” and

“An act to enable the County Surveyor of Rusk county to make a complete map of said county.”

Mr. Gray introduced a Joint Resolution, declaring the exclusive right of the State of Texas to the soil included within the limits thereof.”

Joint Resolution read a first time.

Mr. Jones introduced a bill, to be entitled, “An act to repeal an act, authorizing the President to have surveyed a reserve of land, for the Choctaw and Alabama Indians ; approved the 14th of January, 1840. ” Bill read a first time.

Mr. Willie introduced a bill, to be entitled, “An act to incorporate the La Vaca and Rio Grande Rail Road Company.

Bill read a first time.

On motion of Mr. Willie, the “Resolution allowing *per diem* and mileage pay to W. H. Ewing, as a witness in the contested

election, between L. G. Dupree and A. G. Haynes, was taken up, and amended by Mr. Willie, as follows:

"And that said amount may be drawn from the Treasury, upon a draft signed by the Speaker of the House of Representatives, and countersigned by the Clerk."

Amendment adopted.

On motion the House proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled, "An act to provide for the return of surveys from new counties, established by the first Legislature," was taken up.

On motion of Mr. Rose, the bill was laid upon the table.

The "Resolution prohibiting new business from being introduced in the House of Representatives, from and after the first of May, 1846, was taken up, and

Read.

Mr. Rose moved to amend, by inserting, "the fifth of April."

On motion of Mr. Durham, the resolution was laid upon the table.

A bill, to be entitled, "An act to prohibit the various counties from levying a tax upon their citizens," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Finance.

A bill, to be entitled, "An act to raise a revenue for county purposes, was taken up, and,

Read a second time.

On motion of Mr. Sublett, the bill was referred to the committee on Finance.

A bill, to be entitled, "An act regulating the office of County Treasurer," was up, and

Read a second time.

On motion, the bill was referred to the committee on Finance.

On motion of Mr. Perkins, the bill, to be entitled, "An act regulating Juries, was taken up, on its second reading.

Mr. White moved to amend the bill, by striking out the words, "that they may judge well qualified."

Amendment rejected.

Mr. Sadler moved to amend the bill, by striking out the words, "freeholders or householders."

Amendment rejected.

Mr. Smith, of Harris, moved that the bill be laid on the table. Motion lost.

Mr. Willie offered the following as an amendment to the fourteenth section of the bill.

The Foreman of the Grand Jury shall return to the Court, a list of all the witnesses, who may have been sworn before the Grand Jury, and the cases in which they were sworn."

Amendment rejected.

Mr. Willie then moved to strike out the fourteenth section of the bill.

Amendment rejected.

Mr. Bourland moved to amend the section by striking out the word "twenty," and inserting "ten," in lieu thereof.

Amendment rejected.

Mr. Miller offered the following as an amendment to the bill:

Insert the words, "and no more," after the words, "may challenge five jurors," in the eighteenth line; and after the words, "may challenge three jurors," in the fifteenth line of the twenty-second section.

On page five strike out all the second section, which precedes the words "shall be paid, and insert, instead thereof, the following:

"In all suits which may hereafter be instituted in the District Court, it shall be the duty of the Clerk of the District Court to demand and receive from the plaintiff, (except when the State is plaintiff,) a jury tax of three dollars, where the sum sued for does not exceed five hundred dollars; and a jury tax of four dollars, where the sum sued for exceeds five hundred dollars, before filing the petition. And, in all cases of appeal from a Justice of the Peace, or any other inferior court, to the District Court, the Clerk of the District Court shall demand and receive of the plaintiff, or party bringing up the record, (except where the State is plaintiff,) a jury tax of one dollar and fifty cents, where the sum in controversy does not exceed fifty dollars; and the sum of two dollars, where the sum in controversy exceeds fifty dollars, before filing the same.

Amendment rejected.

Mr. Cronican moved to amend the amendment, proposed by Mr. Miller, as follows:

Strike out the words, "except where the State is plaintiff," wherever they occur.

Amendment rejected.

Mr. Sublett moved to amend the bill, by striking out the twenty-seventh section.

Mr. Rose moved to amend the bill by striking out all in regard to appeals from justices' courts, and filing of records.

Mr. Echols moved that the House adjourn, until to-morrow morning ten o'clock.

Motion lost.

On motion, a call of the House was then made.

On motion of Bourland, a further call was suspended.

Mr. Tankersly moved that the bill be laid upon the table, until to-morrow nine o'clock, A. M.

On motion of Mr. McClarty the house adjourned, until to-morrow morning, nine o'clock.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, WEDNESDAY, }
March, 25th, 1846. }

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names :

Messrs. Speaker, Adams, Barry, Branch, Bourland, Brown, Burroughs, Clark, Cronican, Dickson, Dupree, Durham, Echols, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gooch, Irion, Keenan, Mabry, McClarty, McCown, McCulloch, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo, Pease, Perkins, Perry, Rayner, Redgate, Rose, Russell, Sadler, Savage, Stewart, Smith of Rusk, Swift, Sublett, Tankersly, Truitt, and White.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read.

On motion of Mr. Brown, that portion of the Journal relating to the report of the Joint Select Committee, was laid upon the table, until to-morrow, nine o'clock, A. M.

Mr. Howard presented the petition of William Patterson, praying permission to re-ship certain goods, seized on by the Collector of customs at Aransas.

Petition read, and

On motion of Mr. Howard, referred to the committee on Finance.

Mr. Gray, Chairman of the committee on the Judiciary, made the following report:

*To the Hon. Speaker
of the House of Representatives:*

The committee on the Judiciary, to whom was referred, "A joint resolution, defining the mode of procedure to be pursued by the Legislature, in enacting laws;" and, also, a bill, to be entitled, "An act to provide for the revision of the laws of Texas," have considered the same, and instruct me to report the enclosed substitute for both of them; entitled, "An act to provide for revising, digesting and arranging the laws, civil and criminal;" the adoption of which they instruct me to commend.

[Signed]

P. W. GRAY.

Chairman.

Mr. Gray, Chairman of the committee on the Judiciary, also made the following report:

*To the Honorable Speaker
of the House of Representatives:*

The committee on the Judiciary, to whom was referred a bill, to be entitled, "An act organizing and defining the duties of County Courts;" have considered the same, and instruct me to report the enclosed substitute therefor, entitled, "An act organizing County Courts;" the adoption of which, they instruct me to recommend.

[Signed]

P. W. GRAY,

Chairman.

Reports, bills and substitutes received, and laid upon the table, to come up with the orders of the day.

Mr. Clark, Chairman of the committee on State Affairs, made the following report:

*To the Hon. William E. Crump,
Speaker of the House of Representatives:*

The committee on State Affairs, have considered a bill, to be entitled, "An act to authorize the Governor of the State to procure, for the use of the State, the acts of the present and subsequent sessions of the Congress of the United States;" and believing it is the custom, if not the duty, of the General Gov-

ernment, to furnish the different States, with the laws passed at each session of Congress, deem any action, in the premises, by the Legislature, unnecessary; and therefore, return said bill to the House, and recommend that it be laid upon the table.

[Signed]

E. CLARK.

Chairman:

Report and bill received, and laid upon the table, to come up with the orders of the day.

Mr. Rose, Chairman of the committee on the Land Office, made the following report:

The committee on the Land Office, have had under consideration, the various matters relating to the General Land Office; and have instructed me to report the accompanying bill, for its re-organization.

[Signed]

JOHN W. ROSE,

Chairman.

On motion of Mr. Brown, the report was adopted.

A bill, to be entitled, "An act to establish and organize a General Land Office, for the State of Texas," was

Read a first time.

Mr. Rose, Chairman of the committee on the Land Office, also made the following report:

The committee on the Land Office, to whom was referred a "Resolution, instructing them to take into consideration the twelfth article of the Constitution, and enquire into the expediency of establishing one, or more subordinate Land Offices, in this State; and report such bill, or bills, as they may think appropriate on said article;" have had the same under consideration, and have instructed me to report the following bill:

Your committee would, in this place, exhibit a detailed estimate of the probable expenses of the proposed change; but that a resolution of the House, calling for information from the Commissioner of the General Land Office, will probably, produce more certain and definite information, on this subject, than they could possibly furnish. They would, however, suggest, that the new system proposed, does not contemplate the creation of new duties, or a change of duties, so much as a thorough and systematic distribution of powers and duties, among the various officers of the land system.

In this view of the subject, they are of opinion, that the convenience of the people, the despatch of business, and the harmonious and concerted action of the various officers and

agents, connected with the land system, have been substantially consulted; without producing any violent or radical change in the system, as originally organized.

[Signed]

JOHN W. ROSE,

Chairman.

On motion of Mr. Brown, the report was adopted.

A bill, to be entitled, "An act to establish and organize certain subordinate offices of the General Land Office of the State of Texas," was taken up, and

Read a first time.

Mr. Keenan moved that a call of the House be made.

Motion carried.

On motion of Mr. Eddy, a further call of the House was suspended.

Mr. Bourland, by leave, introduced the following resolution:

"Resolved, That no resolution, bill or other paper, shall be taken up, out of its regular order; unless by a vote of two thirds of the members present." Resolution read, and

On motion, laid upon the table one day, for consideration.

A bill, to be entitled, "An act regulating juries," having been made the special order, for to-day, at nine o'clock, A. M., was taken up.

Mr. Sublett moved to amend the bill, by striking out the twenty-seventh section, and inserting the following in lieu thereof:

"Be it further enacted, That in every suit decided in any of the District Courts of the State, there shall be a *tax fee of two dollars and fifty cents*, levied against the unsuccessful party in such suit; which shall be collected by the Sheriff of the county in which the suit may be decided; and shall be regarded as a privileged claim, against such unsuccessful party; and shall be paid in preference to any other costs of such suit; and when collected, paid by such Sheriff into the County Treasury—to be applied to the payment of Jurors, and no other purpose whatever. And should any Sheriff fail or refuse to pay over any such *tax fee* within thirty days after collecting the same, he shall forfeit double such amount—to be recovered by motion, in the District Court."

Mr. McNeill moved to amend the substitute for the twenty-seventh section, by inserting "to be paid by the successful party, at the time of the rendition of judgment."

Amendment rejected.

Mr. McNeill then offered the following, as a substitute for the substitute:

"On all actions hereafter to be commenced, in the District Courts of this State, the *fee* of the Jury shall be *three dollars*, on all verdicts which they may render; and on all judgments; which may be confessed in said Courts, the Jury *fee* shall be one dollar—to be paid by the party taking such verdict or judgment, at the time of such rendition—to be taxed in the bill of costs."

Mr. Miller moved to strike out of the substitute for the substitute, the words "or judgment confessed."

Motion lost.

The question recurring on the adoption of the substitute for the substitute; the substitute was,

Rejected.

The yeas and nays were then called, on the adoption of Mr. Sublett's substitute for the twenty-seventh section of the bill, and stood as follows:

Yeas. Messrs. Adams, Brown, Burroughs, Charlton, Clark, Eddy, Erath, Gooch, Ition, Jones, Keenan, McClarty, McCown, McCulloch, Muckleroy, Noble, Pattillo, Perry, Rayner, Redgate, Russell, Sadler, Stewart, Smith of Rusk, Sublett, Truitt, and White—27.

Nays. Messrs. Speaker, Barry, Branch, Bourland, Cronican, Dickson, Durham, Echols, Gray, Gillett, Gilliam, Hudson, Mabry, McFarland, McNeill, Miller, Milican, Mullens, Ogden, Pease, Perkins, Rose, Ryburn, Savage, Stevenson, Smith of Harris, Swift, Tankersly, and Willie—29.

So the substitute was rejected.

Mr. Rose moved to amend the twenty-seventh section of the bill, by striking out the first ten lines, and inserting the following:

"In all suits which may hereafter be instituted in the District Courts, it shall be the duty of the Clerk of the District Court, to demand and receive from the plaintiff, (except where the State is plaintiff,) a jury tax of two dollars and fifty cents, before filing any petition; which shall be taxed in the bill of costs, against the party *cast*. And he shall pay the said jury tax into the county treasury within ten days after the adjournment of the court."

And, also, at the end of the section, add the following:

"And in all cases brought to the District Court by appeal from an inferior court, there shall be a jury tax of one dollar and fifty cents, included in the bill of costs, against the party *cast*; which shall be collected by the Sheriff, and paid into the county treasury."

Mr. Bourland moved to strike out the word "Sheriff," in the last amendment, and insert the words, "successful party."

Amendment adopted.

The question was then taken on the adoption of Mr. Rose's amendments, and the

Amendments adopted.

Mr. Sublett moved to amend the twenty-seventh section of the bill, by inserting the following:

"*Provided*, That nothing herein contained shall prevent any person from suing, who shall make oath that he or she is unable to pay said *tax fee*."

Mr. Burroughs moved to strike out of the amendment, the word "swear," and insert the word "statement."

Amendment rejected.

Mr. Tankersly moved that the bill be referred to a Select Committee.

Motion carried.

The Speaker then appointed Messrs. Tankersly, Sublett, McNeill, Bourland, and Rose, to compose said committee.

By leave, Mr. Tankersly introduced a bill, to be entitled, "An act to authorize and require the Commissioner of the General Land Office to issue patents in certain cases.

Bill read a first time.

Mr. Sublett, by leave introduced a bill, to be entitled, "An act for the relief of Travis G. Brooks.

Bill read a first time.

Mr. Ogden, by leave, introduced a bill, to be entitled, "An act incorporating the city of New Braunfels."

Bill read a first time.

On motion of Mr. Howard the house adjourned until three o'clock, P. M.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Branch, Brown, Clark, Dickson, Durham, Echols, Edwards, of San Augustine, Eddy, Gray, Gilliam, Gooch, Holland, Jones, Keenan, Mabry, McCulloch,

McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo, Pease, Perkins, Perry, Rayner, Redgate, Rose, Russell, Savage, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truitt, and White.

A quorum being present, the House proceeded to business.

On motion of Mr. Mabry, the House proceeded to take up the

ORDERS OF THE DAY.

A bill, to be entitled, "An act prescribing the time at which all laws may have, and go into effect," was taken up, together with the amendments thereto, made by the House, in which the Senate had refused its concurrence.

Mr. Brown moved that the House recede from its amendments.

Motion carried.

Mr. Gray moved a reconsideration of the vote, receding from the amendments.

Motion carried.

Mr. Gray then moved that the House adhere to their amendments to the bill, and that a Committee of Conference be appointed to take into consideration the subject matter of disagreement.

Motion carried.

The Speaker then appointed Messrs. Gray, Redgate, and Jones, to compose said Committee of Conference.

A bill, to be entitled, "An act to exclude from office, from the right of suffrage, and from serving on juries, persons convicted of certain high crimes and misdemeanors," was taken up, together with the amendments made by the House, in which the Senate refused its concurrence.

Mr. Brown moved that the House adhere to its amendments, and that the subject matter of disagreement be referred to a Committee of Conference.

Motion carried.

A "Joint Resolution, instructing our Senators, and requesting our Representatives, in the Congress of the United States, to procure the establishment of certain Mail Routes, was taken up.

Mr. Stewart offered the following as an amendment to the Joint Resolution:

"From Opelousas, in Louisiana, to San Antonio de Bexar, via Salem, Taylor's, Richardson's, Swartwout, Raven Hill,

Carothers, Danville, Lone Oak, Groce's Retreat, Fanthorp's, Washington, Brenham, La Grange, Gonzales, and Seguin, to Bexar."

Amendment adopted.

On motion of Mr. Clark, the Joint Resolution was then referred to a Select Committee.

A bill, to be entitled, "An act to organize Justices' Courts, and to define the powers and jurisdiction of the same," was taken up.

On motion of Mr. Miller, the House resolved itself into a Committee of the Whole, on the bill under consideration.

Mr. Miller in the Chair.

After sometime spent thereon, the committee rose, reported progress, and asked to be discharged from further consideration of the subject.

Report adopted.

On motion of Mr. Brown, the bill, and the amendments thereto, made by the Committee of the Whole, were referred to the committee on the Judiciary.

Mr. Gray moved that the House adjourn, until to-morrow morning, nine o'clock.

A call of the House was then made, and it appeared, that Messrs. Cook, Hudson, and Stevenson, were absent.

The Sergeant at Arms was then dispatched after the absent members.

On motion of Mr. Brown, a further call of the House was suspended.

The yeas and nays were then called on Mr. Gray's motion to adjourn, and stood as follows:

Yeas. Messrs. Cronican, Dickson, Echols, Edwards of San Augustine, Eddy, Gray, Gillett, Gilliam, Holland, Irion, Keenan, McFarland, Miller, Milican, Muckleroy, Mullens, Noble, Patillo, Perry, Redgate, Ryburn, Sadler, Savage, Stewart, Smith of Rusk, Sublett, Tankersly, Truitt, and White.—29.

Nays. Messrs. Speaker, Adams, Barry, Branch, Bourland, Brown, Burroughs, Cazenau, Clark, Dupree, Durham, Edwards of Nacogdoches, Gooch, Howard, Jones, Mabry, McClarty, McCown, McCulloch, McNeill, Ogden, Pease, Perkins, Rayner, Rose, Russell, Stevenson, Smith of Harris, Swift, and Williams.—30.

So the motion to adjourn was lost.

A message was received from his Excellency the Governor, informing the House that he had approved and signed the following bills:

"An act to provide for fixing the seat of justice of the county of Austin," and

"An act to create the county of Anderson."

Mr. McCown moved that the vote of the House—taken on yesterday—on the resolution offered by Mr. Pease, tendering to Gen. James Hamilton the gratitude of the country, be reconsidered.

Mr. Bourland moved, to lay the motion of Mr. McCown on the table.

On motion, a call of the House was made.

Mr. Williams moved that the House adjourn, until to-morrow morning, nine o'clock.

The yeas and nays were called on Mr. William's motion to adjourn, and stood as follows:

Yeas. Messrs. Speaker, Cazenau, Cronican, Dupree, Edwards of Nacogdoches, Edwards of San Augustine, Howard, McClarty, McCulloch, Ogden, Pease, Perkins, Stevenson, Swift, and Williams.—17.

Nays. Messrs. Adams, Barry, Branch, Bourland, Brown, Burroughs, Clark, Cook, Dickson, Durham, Echols, Eddy, Gray, Gillett, Gilliam, Gooch, Holland, Irion, Jones, Keenan, Mabry, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo, Perry, Rose, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Sublett, Tankersly, Truitt, and White—42.

So the motion to adjourn, was lost.

On motion of Mr. Bourland, a call of the House was made.

Mr. Brown moved that the House adjourn until to-morrow morning, nine o'clock.

Motion lost.

Mr. Dupree moved that the House adjourn, until Friday, the twenty-seventh instant, at four o'clock.

Motion lost.

Mr. Durham moved that the House adjourn until to-morrow, nine o'clock, A. M.

On motion of Mr. Bourland, a call of the House was made.

On motion of Mr. Sublett, a further call of the House was suspended.

Mr. Sublett then moved to lay the motion, for a reconsideration of the vote on Mr. Pease's resolution, upon the table.

Mr. Gilliam proposed to amend, by adding, "until the first of May."

Mr. Durham moved that the House adjourn until to-morrow, nine o'clock, A. M.

The yeas and nays were called, on Mr. Durham's motion to adjourn, and stood as follows:

Yeas. Messrs. Branch, Bourland, Brown, Cazenau, Dupree, Durham, Edwards of Nacogdoches, Gillett, Gooch, Howard, Hudson, Jones, Mabry, McClarty, McCulloch, McNeill, Ogden, Pease, Perkins, Rayner, Ryburn, Smith of Rusk, Swift, and Williams—24.

Nays. Messrs. Speaker, Adams, Barry, Burroughs, Clark, Cook, Cronican, Dickson, Echols, Edwards of San Augustine, Eddy, Gray, Gilliam, Holland, Irion, Keenan, McCown, McFarland, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo, Perry, Rose, Sadler, Savage, Stewart, Smith of Harris, Sublett, Tankersly, Truitt, and White—34.

So the motion to adjourn, was lost.

Mr. Dupree then moved to adjourn, until nine o'clock, tomorrow, A. M.

Motion lost.

The question then recurred, on Mr. Sublett's motion, to lay the motion for a reconsideration of the vote, on the adoption of Mr. Pease's resolution, upon the table; and the

Motion was carried.

On motion of Mr. Sublett, the House adjourned, until tomorrow, ten o'clock, A. M.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, THURSDAY,
March 26th, 1846. }

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Branch, Bourland, Brown, Burroughs, Charlton, Clark, Cronican, Dickson, Echols, Edwards of Nacogdoches, Eddy, Gray, Gillett, Gilliam, Gooch, Holland, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Noble, Ogden, Pease, Perkins, Perry, Rayner, Redgate, Rose, Ryburn, Sadler, Savage, Smith of Harris, Smith of Rusk, Sublett, Tankersly, Truitt, White, Williams, and Willie.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

That portion of the Journal of the 24th inst., which relates to the report of the Joint Select Committee, was taken up, and adopted.

Mr. Milican presented the petition of E. L. R. Wheelock—praying that his Head-Right League of Land, be annexed to the county of Brazos. Petition read, and

On motion, referred to the committee on County Boundaries.

The Chair presented the memorial of D. T. Disney—praying for relief. Memorial read, and

On motion of Mr. Echols, referred to the Committee on Claims and Accounts.

Mr. Cazenau presented the petition of B. H. H. Butts—praying for six hundred and forty acres of land, as the balance of the quantity of land he is entitled to. Petition read, and

On motion, referred to the committee on Public Lands.

Mr. Ogden presented the petition of John C. Hays—praying the Legislature to make an appropriation for the pay of his Company, for services rendered, during the war of 1841.

Petition read, and

On motion, referred to the committee on Claims and Accounts

Mr. Clark, chairman of the committee on State Affairs made the following report:

To the Honorable W. E. Crump,

Speaker of the House of Representatives:

The committee on State Affairs, have had under consideration, a bill, from the Senate, to be entitled, "An act, to provide for the enumeration of the inhabitants of the State of Texas;" and have made the following amendments thereto:

In the second line of the second section after the word, "shall," insert the words, "on or before the second Monday in December;" and, in the third line of the same section, after the words, "by mail," insert the words, "or otherwise."

With these amendments, they report the bill back to the House, and recommend its passage.

The committee, herewith, return to the House, a resolution, requiring them to draft a law, to carry into effect, the twenty-ninth section, of the third article of the Constitution—believing that the bill above mentioned, accomplishes the object of said resolution, as fully as is necessary.

[Signed]

E. CLARK.

Chairman:

Report, bill, amendments and resolution received, and laid upon the table, to come up with the orders of the day.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills, have examined "An act, creating the county of Anderson," and find the same correctly enrolled; and, having been signed by the Speaker of the House of Representatives and the President of the Senate, *pro tem.*, was, on the 24th of March, 1846, handed to his Excellency, the Governor, for his approval.

[Signed] JAMES M. BURROUGHS,

Chairman.

Report read and accepted:

Mr. Perkins introduced the following resolution:

Resolved, by the House of Representatives, That such of the election returns, which were received before the Legislature declared the Honorable N. H. Darnell, duly elected Lieutenant Governor of the State of Texas; and have since come to hand—either to the Speaker or the House—be, and the same are, hereby, referred to the Select Joint Committee, raised to investigate the propriety of reconsidering the action of the Legislature, in declaring the election of Lieutenant Governor; and that said committee be permitted to open said Election returns, examine and report thereon.

Mr. Russell moved, that the resolution be laid upon the table.

Motion lost.

The Speaker refused to put the question, on the adoption of the Resolution, on Constitutional grounds.

Mr. Perkins then, on the part of the committee, raised "to enquire into the propriety of reconsidering the action of the Legislature, in declaring N. H. Darnell, Lieutenant Governor," moved, that the committee be discharged from the further consideration of the matter; as the evidence before the House of Representatives, could not, according to the decision of the Speaker, go before the committee.

Motion carried.

A message was received from the Senate, informing the House of the passage, by that body, of

A bill, to be entitled, "An act, to amend the eighth and eleventh sections of an act to incorporate Herman's University."

A bill, to be entitled, "An act, to continue in office, certain civil and military officers—commissioned under the authority of the late Republic of Texas."

A bill, to be entitled "An act, authorizing the Commissioner of the General Land Office, to issue patents—in cases where Land Scrip has been located in two surveys."

A bill, to be entitled "An act, to prohibit individuals from issuing Bills, Checks, Promissory Notes or other paper, to circulate as money;" and

A bill, to be entitled "An act, to create a new county; out of part of the counties of Gonzales and Bexar—to be called, the county of Guadalupe."

The House was also informed that the Senate had adopted the report of the committee of Conference; agreeing to the amendments of the House, to a bill, to be entitled "An act, creating the county of Polk."

Mr. Edwards, of San Augustine, presented the following communication, from Gen. N. H. Darnell:

*Gentlemen of the Senate, and
House of Representatives :*

Since my arrival at the city of Austin, I have been waited upon by a joint committee, of both Houses—informed of my election, to the office of Lieutenant Governor of the State of Texas, and requested to indicate, at what time it would suit my convenience, to come forward and take the oath of office.

I am well aware this declaration, of the two Houses, was made after their having complied with the requirements of the Constitution—by opening the returns and counting the votes polled in the Gubernatorial election—during the first week of their session. Of these votes, I had a majority; and was, there-upon, declared duly elected, Lieutenant Governor. Subsequent returns have reached the State Department, which leave no doubt of the reversal of that majority. Under the circumstances, the tenure by which I hold the second office within the gift of the people of Texas, is not that, of a full and fair expression of the popular will; but a technical informality, negligence, or neglect of duty, on the part of the returning officers, of some of the counties—who, in failing to forward their returns to the Seat of Government, have defeated the expressed wish of the voters of the State; a majority of whom, cast their suffrages in favor of my competitor.

In Justice to my own feelings; in obedience to the commands; of my fellow citizens—speaking through the medium of the ballot-box—(though they have been but partially heard;) and from a firm conviction of the correctness of one of the great, fundamental principles of Republicanism, which gives the

right of rule to the majority; I cannot consent to become the incumbent of an office, conferred upon me by the minority of the votes given.

In thus declining to be invested with the office of Lieutenant Governor of the State of Texas, I feel confident, the interests of the country will suffer no detriment; when a distinguished gentleman, who has rendered many eminent services to the land of his adoption, and identified his fame with the history of our glorious Republic, is exercising its functions.

Allow me to say to you, gentlemen, that I derive more satisfaction, in laying down honors and surrendering an office, which rightfully, belong to another, than could have accrued from the enjoyment of the same, by the unanimous vote of my countrymen. Whatever disappointment I may have felt at the *result*, is more than compensated, by the pleasure it affords me, to give to the world a practical illustration of the Republican spirit which pervades our land.

In concluding my official intercourse with your honorable bodies, permit me to congratulate you, upon the happy condition of the State—peace, tranquility and security, are upon our borders. Their benign influences are being felt, throughout the extent of our bright and beautiful land; and I indulge the proud hope, that, ere long, the “Lone Star State” will rival, if not surpass, her elder sisters, in those acquisitions which make a people great and prosperous. That the Grand Architect of the Universe, may preserve her in His holy keeping, should be the prayer of every Christian and every Patriot.

I am, gentlemen,

Your obedient,

Humble servant,

N. H. DARNELL.

[Signed]

Mr. Howard moved, that the communication be referred to a Select Committee, of five.

Motion carried.

The Speaker then appointed Messrs. Howard, Tankersly, Miller, Brown and Bourland, to compose said committee.

Mr. Burroughs moved, that the House adjourn, until to-morrow morning, nine o'clock.

Motion lost.

Mr. Burroughs then moved, that the House adjourn, until three o'clock, P. M.

Motion carried, and the House adjourned, in accordance therewith.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names :

Messrs. Speaker, Adams, Barry, Brown, Burroughs, Cazenau, Charlton, Clark, Dickson, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gillett, Gilliam, Gooch, Holland, Irion, Keenan, Mabry, McCulloch, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo, Pease, Perkins, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Smith of Harris, Smith of Rusk, Swift, Tankersly, and Truitt.

A quorum being present, the House proceeded to business.

By leave, Mr. Pease introduced a bill, to be entitled "An act, to provide for the publication of the Laws of Texas."

Bill read a first time.

On motion of Mr. Cazenau, a bill, to be entitled "An act, to raise a revenue by direct taxation," was taken up.

Mr. Brown moved, that the bill be laid upon table; and that it be made the special order of the day for to-morrow, at ten o'clock, A. M.

Motion carried.

Mr. Perkins, by leave, introduced a bill, to be entitled "An act, regulating elections."

Bill read a first time.

On motion of Mr. McCulloch, a bill, to be entitled "An act, authorizing the Commissioner of the General Land Office, to issue Patents to second, third and fourth class of claims, was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Public Lands.

On motion of Mr. Stewart, Mr. Hudson was added to the committee on Public Lands.

The resolution, prescribing the order of business in the House, was taken up, and

Read and adopted.

On motion of Mr. Perkins, Mr. Branch was added to the Select Committee, raised to take under consideration the communication of Gen. N. H. Darnell.

On motion of Mr. Eddy, Mr. Williams was added to the same committee.

The "Resolution prescribing the hours, at which the House shall meet, and adjourn, each day," was taken up, and Read and adopted.

On motion of Mr. Cazenau, the House proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled, "An act creating the county of Newton," was taken up, and

Read a second time.

On motion of Mr. Eddy, the bill was referred to the committee on County Boundaries.

A bill, to be entitled, "An act, creating the county of Collin," was taken up, together with the substitute for the first section, offered by the committee.

Substitute read and adopted; and,

On motion, the bill was passed to its third reading.

A "Joint Resolution, providing for the disposal of a portion of the public buildings, in the City of Austin," together with the amendments thereto, offered by the committee on the Judiciary; were taken up.

Amendments read and adopted.

Mr. Gray offered the following, as an amendment to the Joint Resolution:

"SEC.—*Be it further enacted*, That this Resolution take effect from and after its passage."

Mr. Miller moved, to strike out "April," and insert "December." Amendment rejected.

Mr. Russell offered the following, as an amendment to the bill:

Strike out the words, "for one third cash, and the balance in twelve months," and insert "on a credit of twelve months."

Amendment rejected.

Mr. Gillett moved, that the Resolution be laid upon the table, until Saturday, ten o'clock, A. M.

Motion carried.

A "Joint Resolution approving of President Polk's administration;" together with the amendments proposed by the committee on the Judiciary, were taken up.

Amendments read and adopted.

Mr. White moved, to insert the words, "in their opinion."

Amendment rejected.

Mr. Miller moved, to strike out the word, "unmolested."

Amendment rejected.

Mr. Russell offered the following, as an amendment to the Joint Resolution:

"SEC. 2d., *Resolved*, That the safety, interest and honor of the United States, demand the adoption of judicious and effective measures, for the extension of our laws and jurisdiction, over the whole of the Territory of Oregon—thereby complying with the petition of its inhabitants; as well as fulfilling the chief purpose, for which all Governments have been constituted." Amendment rejected.

Mr. Tankersly moved, that the Joint Resolution be adopted. Motion carried.

A bill, to be entitled, "An act, regulating the salaries of Executive and Judicial Officers," was taken up, and

On motion, re-committed to the committee on Finance.

Mr. Willie, by leave, introduced a bill, to be entitled, "An act, to open and construct a Turnpike-Road, from the City of Houston to the town of Brenham."

Bill read a first time.

A bill, to be entitled, "An act, for the relief of owners of slaves, convicted and executed, according to the laws of Texas:" together with the amendments thereto, offered by the committee on the Judiciary: were taken up.

Amendments read and adopted.

Mr. McNeill moved, that the bill be laid upon the table.

Motion lost.

Question: Shall the bill, now under consideration of the House, be engrossed?

The yeas and nays were called, on the engrossment of the bill, and stood as follows:

Yeas. Messrs. Speaker, Adams, Barry, Branch, Brown, Burroughs, Charlton, Clark, Cooke, Cronican, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Hudson, Jones, Keenan, Noble, Perkins, Rayner, Rose, Sadler, Stevenson, Stewart, Smith of Rusk, Tankersly and White—26.

Nays. Messrs. Cazenau, Dickson, Dupree, Eddy, Gray, Gilllett, Gilliam, Gooch, Holland, Howard, Irion, Mabry, McCulloch, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Pease, Perry, Russell, Ryburn, Savage, Smith of Harris, Swift, Truitt, Williams and Willie—29.

So the House refused to engross the bill.

A bill, to be entitled, "An act, to make provisions for Public Education"—reported by the committee on Education: was taken up, and Read a second time.

On motion, the bill was ordered to be engrossed.

Mr. Burroughs, Chairman of the committee on Enrolled Bills, made the following report:

COMMITTEE ROOM, }
March 26th, 1846. }

Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on Enrolled Bills, have examined "An act, creating the county of Panola," and find the same correctly enrolled; and having been signed by the Speaker of the House of Representatives, and the President of the Senate *pro tem*, was handed to his Excellency, the Governor on this day, for his approval.

[Signed]

JAMES M. BURROUGHS,
Chairman.

Report read and accepted.

By leave, Mr. Russell introduced a bill, to be entitled, "An act, to prohibit fire-hunting."

Read a first time.

A bill, to be entitled, "An act, to exempt certain property from forced sale," was taken up, and

Read a second time.

Mr. Miller offered the following, as an amendment to the bill:

"Be it further enacted, That there shall be reserved to every citizen, not the head of a family, free and independent of the power of a writ of *fire facias*, or other Execution, issuing from any Court, *fifty acres of land* or *one town lot*—including his or her homestead, and improvements, not exceeding five hundred dollars in value. All implements of husbandry; not exceeding fifty dollars in value;—all tools, apparatus and books, belonging to the trade or profession of any such citizen; and one horse, saddle and bridle:

Provided, That the provisions of this section, shall not be construed to extend to any citizen who may compose a part of any family, the head of which is entitled to the benefit of the provisions of the preceding sections of this act."

Mr. Durham moved, to amend the amendment, proposed by Mr. Miller, as follows:

"Provided, That none of the property &c., as mentioned in this section, shall be allowed to any single man or bachelor, unless he produce a certificate from the Chief Justice of the county where he resides, stating that he has tried, and has failed, in every effort he has made, to get married."

Amendment adopted.

Mr. Miller then offered the following, as an amendment to the amendment proposed by Mr. Durham:

And provided further, That the provisions of this act, shall not extend to the county of New Durham."

Amendment adopted.

The question then recurred, on the adoption of the amendment offered by Mr. Miller; as amended; and the

Amendment was rejected.

Mr. Tankersly moved, to amend as follows:

"Under any order or decree, issuing from any Court, whatever."

Amendment adopted.

On motion of Mr. Mabry, the bill was then ordered to be engrossed.

On motion of Mr. Gillett, the Resolution, requiring bills to be taken up in regular order, was suspended; and,

On further motion, the bill, to be entitled, "An act, defining the boundaries of Robertson county," was taken up.

On motion of Mr. Branch, the House adjourned, until nine o'clock, to-morrow morning.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, FRIDAY, }
March, 27th, 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Branch, Brown, Burroughs, Cazenau, Charlton, Clark, Cooke, Cronican, Dickson, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gillett, Gilliam, Gooch, Holland, Irion, Keenan, Mabry, McCown, McCulloch, McNeill, Miller, Milican, Muckle-roy, Mullens, Noble, Pattillo, Perkins, Perry, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Sublett, Tankersly, Truitt, White, Williams, and Willie.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

On motion of Mr. Rose, leave of absence was granted to Mr. Swift.

Mr. Stewart introduced a bill, to be entitled, "An act providing for the removal of administrations of estates from the counties where they were opened, to the new counties formed out of such counties, where the lands of the estate lie or remain."

Bill read a first time.

Mr. Milican introduced a bill, to be entitled, "An act to regulate slaves."

Bill read a first time.

Mr. Rose introduced the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses of the Legislature will stand adjourned on the fifteenth of April next, to the first Monday in November following."

Resolution read, and,

On motion, laid upon the table one day, for consideration.

Mr. Brown moved that the vote of the House, taken on yesterday, on the engrossment of the bill, to be entitled, "An act to exempt certain property from forced sale, be reconsidered."

Motion lost.

On motion of Mr. McNeill, the House proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled, "An act to raise a revenue by direct taxation," was taken up, together with the substitute therefor, offered by the committee on Finance.

On motion of Mr. Branch, the substitute was adopted.

Mr. Branch moved to strike out "twenty-five cents," in the first section of the bill.

Motion carried.

Mr. McNeill moved to insert "twenty cents" in the first section of the bill.

The yeas and nays were called on the adoption of Mr. McNeill's amendment, and stood as follows:

Yeas. Messrs. Speaker, Adams, Barry, Bourland, Brown, Burroughs, Cronican, Dixon, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Howard, Hudson, Irion, Keenan, Mabry, McCulloch, McFarland, McNeill, Miller, Muckleroy, Noble, Pease, Perry, Rayner, Redgate, Rose, Ryburn, Sadler, Stevenson, Stewart, Smith of Harris, Tankersly, and Willie—36.

Nays. Messrs. Branch, Cazenau, Charlton, Clark, Cooke, Echols, Gilliam, Gooch, Holland, Jones, McCown, Milican, Pattillo, Perkins, Russell, Savage, Smith of Rusk, Sublett, Truitt, White, and Williams—21.

So the amendment was adopted.

On motion of Mr. White, the bill was read by sections.

Mr. Branch moved to strike out "twenty cents," in the first section of the bill, and insert "fifteen cents," in lieu thereof.

The Speaker decided the amendment out of order.

An appeal was made from the decision of the Speaker, and the House decided the motion to amend in order.

The yeas and nays were then called, on the adoption of Mr. Branch's amendment, and stood as follows:

Yeas. Messrs. Branch, Burroughs, Cazenau, Charlton, Clark, Cooke, Echols, Gilliam, Gooch, Holland, Jones, Mabry, McClarty, McCown, Milican, Pattillo, Redgate, Russell, Savage, Smith of Rusk, Sublett, Truitt, White, and Williams—22.

Nays. Messrs. Speaker, Adams, Barry, Bourland, Brown, Cronican, Dickson, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Howard, Hudson, Irion, Keenan, McCulloch, McFarland, McNeill, Miller, Muckleroy, Mullens, Noble, Ogden, Pease, Perkins, Perry, Rayner, Rose, Ryburn, Sadler, Stevenson, Stewart, Smith of Harris, Tankersly, and Willie—33.

So the amendment was rejected.

Mr. Miller offered the following as an amendment to the bill:

Provided, That the lands of this State, hereby authorized to be taxed, shall be valued according to the true value thereof, having regard to the quality of the soil, and the locality of the lands; but without regard to the improvements thereon."

Amendment rejected.

Mr. Echols moved to strike out "sixty," and insert "fifty," in lieu thereof.

Amendment rejected.

Mr. White moved to strike out the words "free male," and insert the word "female," in their stead.

Amendment rejected.

Mr. Gooch moved to strike out the words "one dollar," and insert in lieu thereof the words "fifty cents."

Amendment rejected.

On motion, the first and second sections of the bill were then adopted.

The third section of the bill was then read.

Mr. Sadler moved to strike out the "five," before "cents."
Amendment adopted.

On motion of Mr. McNeill, the third section of the bill was then adopted.

The fourth section of the bill was then read.

Mr. White moved to strike out the words, "fifty dollars."

Amendment rejected.

Mr. Durham moved to strike out the words, "city, town, or village."

Amendment rejected.

Mr. Smith, of Rusk, moved to amend, by inserting the following:

"And also, upon all goods, wares, and merchandise, sold at public auction, a direct tax, at the rate of twenty cents on each hundred dollars."

Amendment rejected.

Mr. Rose offered the following as an amendment:

"Also, of each and every person pursuing the professions of law or medicine, for pay or emolument, an annual direct tax of ten dollars."

Mr. Brown moved to strike out the word "ten," before "dollars," and insert "five," in lieu thereof.

Amendment rejected.

Mr. Barry moved that the vote just taken, on Mr. Brown's amendment to the amendment proposed by Mr. Rose, be reconsidered.

Motion carried.

The question then recurred on the adoption of Mr. Brown's amendment, and the amendment was

Adopted.

Mr. Miller moved to strike out of the amendment proposed by Mr. Rose, the words, "or medicine."

Amendment rejected.

Mr. Branch moved to amend the amendment, by inserting the following:

"And if any surveyor or physician has no visible property, out of which said tax can be collected, it shall be the duty of the tax collector to levy upon and sell his license to practice his profession."

Amendment rejected.

Mr. Williams moved to amend the amendment proposed by Mr. Rose; by inserting the word "twenty" before the word "five."

Amendment rejected.

Mr. Mabry moved that the sense of the House be taken on the previous question. Motion carried.

Question. Shall the amendment proposed by Mr. Rose, to the fourth section of the bill now under consideration of the House, be adopted?

The yeas and nays were called on the adoption of the amendment, and stood as follows:

Yeas. Messrs. Speaker, Adams, Barry, Brown, Burroughs, Cazenau, Charlton, Clark, Cooke, Cronican, Dickson, Edwards of San Augustine, Eddy, Gray, Holland, Howard, Hudson, Jones, Keenan, Mabry, McCulloch, Miller, Muckleroy, Mullens, Ogden, Pease, Perry, Rayner, Redgate, Rose, Russell, Smith of Harris, Smith of Rusk, Tankersly, White, Williams, and Willie—37.

Nays. Messrs. Branch, Bourland, Durham, Echols, Gillett, Gilliam, Gooch, Irion, McClarty, McCown, McFarland, McNeill, Milican, Noble, Perkins, Pattillo, Ryburn, Sadler, Savage, Sublett, and Truitt—21.

So the amendment was adopted.

Mr. Brown moved a reconsideration of the vote, rejecting the amendment taxing sales at auction.

Motion lost.

Mr. Gilliam moved to amend by inserting the following:

"Also, each and every person, or firm, keeping any horse, mare, or gelding, for the purpose of racing, shall pay for each animal so kept, an annual direct tax of five dollars. Also, each and every person, or firm, keeping any stable-horse or jack, and advertising the same, shall pay for each animal so kept and advertised, an annual direct tax equal to the season of one mare or jenny. Also, each and every person, or firm, keeping any pleasure-carriage, and using the same, shall pay for each wheel so kept and used, an annual, direct tax of fifty cents."

Mr. Dickson moved to amend the amendment by inserting, after "horse or jack," "Durham bull, Berkshire boar, blooded ram, and game cock."

Amendment adopted.

The question then recurred on the adoption of Mr. Gilliam's amendment, and the

Amendment was rejected.

On motion of Mr. Sadler the fifth section of the bill was adopted.

Mr. McNeill moved the engrossment of the bill:

Motion carried, and the bill was ordered to be engrossed.

Mr. Russell, chairman of the committee on Engrossed Bills, by leave, made the following report:

*To the Hon. William E. Crump,
Speaker of the House of Representatives:*

The committee on Engrossed Bills, have examined the following bills, and find the same correctly engrossed.

A bill, to be entitled, "An act to make provisions for Public Education, and

A bill, to be entitled, "An act to exempt certain property from forced sale.

[Signed]

A. J. RUSSELL,
Chairman.

Report read and accepted.

On motion of Mr. Muckleroy, a call of the House was made

Mr. Ryburn moved that a further call of the House be suspended.

Motion lost.

On motion of Mr. Clark, a further call of the House was suspended.

On motion of Mr. Rose, the bill, to be entitled, "An act regulating and defining the duties of Assessors," was taken up.

Mr. Branch moved that the House resolve itself into a Committee of the Whole.

Motion lost.

A message was received from the Senate, informing the House of the passage by that body, of

A bill, to be entitled "An act the better to define and fix the boundaries of the county of Victoria."

A bill, to be entitled, "An act to define the boundaries of Matagorda county;"

A bill, to be entitled, "An act defining the limits and boundaries of Jackson county;"

A bill, to be entitled, "An act to provide for the location of the county site of the county of Calhoun," and

A bill, to be entitled, "An act to create the county of Calhoun," with amendments.

The House was also informed, that the Senate had appointed Messrs. Robinson, Parker, and Cuney, a Committee of Conference, to confer with a like committee on the part of the House, relative to a bill, to be entitled, "An act prescribing the time at which all laws shall have and go into effect," and a bill, to be entitled, "An act to exclude from office, &c., all persons convicted of certain high crimes."

Mr. Howard moved, that the bill, to be entitled, "An act regulating and defining the duties of Assessors," be read by its sections.

Motion carried.

The first section of the bill was then read.

Mr. Branch offered the following as amendments to the first section :

Strike out the word "Assessors," in the second line, and insert, in lieu thereof, the Justices of the Peace ;" and in the fourth line, strike out the word "counties," and insert, "precincts," in its stead.

Amendments rejected.

Mr. Willie moved to amend the first section as follows :

Insert, after the word "personal," in the fourth line, the words, "belonging to the citizens of their respective counties."

Amendment rejected.

The first section of the bill was then adopted.

On motion of Mr. Echols, the second section of the bill was adopted without amendment.

On further motion of Mr. Echols, the third section of the bill was also adopted, without amendment.

The fourth section of the bill was then read.

Mr. Willie moved to strike out all in the section relating to "income."

Amendment adopted.

Mr. Pease moved that the vote of the House adopting the third section of the bill be reconsidered.

Motion lost.

Mr. Tankersly offered the following as amendments to the fourth section.

First. Insert the words, "and all money loaned at interest,"

Second. Also insert the following oath or affirmation: "I, A. B., do solemnly swear, (or affirm,) that this list contains a true account, description, and valuation of all property, real and personal—subject to taxation, of which I was possessed, in the county of ———, on the first day of March ———, and all money loaned at interest on that day, either in my own right or otherwise."

Mr. McFarland moved to amend, by inserting the following :

"*Provided*, That when any Assessor may have good reason to believe, that any person has not given in his or her property, real or personal, as mentioned in this section of this act, he shall, in that case, appoint two disinterested persons, who

together with the Assessor, after being duly sworn, shall proceed to appraise and value all such property; and such valuation shall be placed upon the Assessor's books, as the true value thereof."

M. Tankersly moved that a call of the House be made.

Motion lost.

The sense of the House was then taken on the adoption of Mr. McFarland's amendment, and the

Amendment adopted.

Mr. White offered the following as a substitute for the fourth section of the bill.

Every inhabitant, within the time specified, shall make and deliver to the Assessor of his county, a list of all his taxable property, real and personal, verified by oath, which shall be as follows:

"I, A. B., do solemnly swear, (or affirm,) that this list contains a true account of all my taxable property in this county, either in my own right, or in the right of another, in my possession: so help me God."

Substitute rejected.

Mr. Echols moved that the bill be referred to the committee on State affairs.

Motion lost.

The fourth section of the bill was then adopted.

Mr. Tankersly moved to insert at the end of the section, the word "thereof."

Amendment adopted.

Mr. Rose moved that the oath be stricken out.

Motion lost.

Mr. Gooch moved to amend by striking out that portion requiring the oath to be attached to the list.

Amendment rejected.

On motion of Mr. Rose, the vote of the House, rejecting Mr. White's substitute for the fourth section of the bill, was reconsidered.

The question then recurred on the adoption of Mr. White's substitute, and

The substitute was adopted.

Mr. Tankersly moved to strike out the substitute.

Motion lost.

The fifth section of the bill was then read.

Mr. Eddy moved to amend the fifth section, as follows:

Strike out all, after the word, "that," in the second line, and insert, in lieu thereof, the following—"in which they may re-

side, such persons may give in their property, in their respective counties."

Mr. Tankersly moved, that the bill be laid upon the table. Motion lost.

Mr. Edwards of Nacogdoches, moved that the bill be re-committed to the committee on Finance.

Motion lost.

On motion of Mr. Russell, the bill was laid upon the table, until to-morrow, ten o'clock, A. M.

The Speaker, announced a communication, from the Commissioner of the General Land Office; furnishing information, in compliance with a Resolution of the House.

On motion, the Clerk proceeded to read said communication, as follows:

GENERAL LAND OFFICE, }
AUSTIN, March 26th, 1846. }

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

Sir:

In compliance with a Resolution of your Honorable body requesting the Commissioner of the General Land Office, to lay before the House, an estimate of the probable annual expenses of the General Land Office—a copy of which, I received this morning through B. F. Hill Esq., I have the honor to submit the following statement:

For salary of the Commissioner of the General Land Office,

\$1500,00

" Salary of Chief Clerk,

1050,00

" " Spanish Clerk,

1050,00

" Draftsman, General Land Office,

1050,00

" Assistant do, " "

1050,00

" 10 Assistant Clerks, at \$850, per annum,

8500,00

Amount of Salaries,

\$14200,00.

For Surveying Land Scrip.,

\$500,00

" Making County Maps,

1500,00

" Stationery,

300,00

" Contingent Expenses,

800,00

\$17300,00

For Roofing building and putting up additional building,	\$1000,00
For 10,000 blank patents, at 30 cts,	3000,00
	\$21300,00

The above is an estimate of the expenses, under the present system; which experience has proved to be insufficient to meet the demands of those owning lands in the country, and incompetent to effect the end and object, of the true policy of the system which should be adopted in Texas—which is, the perfecting and quieting of Land titles.

Since the annexation of Texas, to the United States, the demand for patents has been trebly as great, as was prior to that event. It is, of course, unnecessary to inform your Honorable Body, that the mere issuing of patents, that is, the filling up of parchment blanks, and delivery of them to applicants—constitutes, in the aggregate, not one third of the labor performed in the General Land Office. With a view to supply the existing defects, that have been just alluded to, I have submitted, to a committee of your House, the plan of a system that will embrace the interests of all our citizens equally; and equally facilitate the perfecting and quieting of Land Titles, in the State, at the same time, and in the speediest and cheapest mode that I could devise from my past experience. The great advantage, resulting from the proposed system, over that now existing, is, the facility and expedition with which the Land Business, of the whole of Texas, will be investigated and corrected, at the same time: All field-notes will, under this system, be prepared for patenting, and sent to the General Land Office; so that, in the course of two or three years, the Land Titles of the country will be quieted, and the expense, attending the support of the proposed plan, can be conveniently dispensed with.

The following is an estimate of the annual expenses, under that plan:

For Salaries of persons employed in the General Land Office, as above stated—with the exception of Assistant Draftsman,	\$13150 00.
For eight District Surveyors at \$1000, each,	8000 00.
For Stationery & Books, for District Officers,	
Drawing-paper &c.,	\$1200 00.
For Rents, fire-wood etc., for said Offices, at \$150 each,	\$1200 00.
For Pay of Chainmen, Markers &c., in running	

sections and connecting lines,	8000 00.
For Surveying Land Script,	500 00.
" Stationery for General Land Office,	300 00
For Contingent Expenses,	800 00 :
" 10,000 Blank Patents, at 30 cts.	3000 00
" Transcribing County Surveyor's Records,	25000 00

\$61,150 00.

The insufficiency of the appropriation during the past year has curtailed the number of Assistant Clerks in the General Land Office, to *seven*. If, however ten Assistant Clerks should be allowed, and the other officers, stated in the above estimate about eight thousand Patents, per year, could be issued; which at five dollars each, would, if par money were charged, draw from the State, in or about \$21,000 00 more, than is received, from patents, the first year.

I will take occasion to remark, that the repairing of the roof of the building, in which the business of the Land Office is transacted, is absolutely necessary to the safety of the Records, Maps etc.; and that the daily increasing business requires another building, or room.

It may, also, be proper for me to inform your Honorable Body, at the present time, that an appropriation should be made, of about three hundred dollars, for the payment of claims against the General Land Office, which were necessarily incurred for the prosecution of its business; and could not be paid, owing to the impossibility of procuring Executive orders for the payment, which resulted from the change of Government.

I would, also, urge the advantage of an appropriation being made, as soon as possible, for the purchase of patents; for the reason, that parchment is quite scarce, and difficult to procure in any part of the United States; and, from the daily increasing demand for it, we may reasonably apprehend that it will become more scarce and difficult, if not absolutely impossible to procure.

I have the honor to remain, with the most profound respect,

Your ob't serv't,

[Signed]

THO'S WM. WARD,

Commissioner.

On motion, the communication was referred to the committee on the General Land Office.

Mr. Ogden, by request, was granted leave to withdraw the petition of John C. Hays, from the committee on Claims and Accounts, and to refer it to a select Committee.

The Speaker appointed Messrs. Ogden, Mullens, Eddy, Durham and Gooch, to compose said committee.

On motion of Mr. Hudson, Mr. McCulloch was added to said Committee.

Mr. McFarland moved, that the petition of Captain Garrett, be referred to the Select Committee, just appointed.

Motion carried.

A bill, to be entitled, "An act, to define the boundaries of Robertson County," was taken up—together with the amendment, thereto, offered by the committee on County Boundaries.

Amendment read and adopted.

On motion of Mr. Cooke, the bill was then ordered to be engrossed.

On motion of Mr. McNeill, the House adjourned until nine o'clock, to-morrow morning.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, SATURDAY, }
March 28th, 1846. }

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Brown, Burroughs, Charlton, Clark, Cook, Cronican, Dickson, Dupree, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gillett, Gilliam, Gooch, Holland, Howard, Irion, Jones, Keenan, Mabry, McCown, McCulloch, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo, Pease, Perkins, Perry, Rayner, Rose, Russell, Ryburn, Sadler, Savage, Smith of Harris, Sublett, Tankersly, Truitt, White, Williams, and Willie.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Pease, Chairman of the committee on Public Lands, made the following report:

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The committee on Public Lands, to whom was referred a bill, to be entitled, "An act, to define and protect the rights of the heirs of those persons, citizens of Texas, who died, resident therein, previous to the 17th day of March 1836;" have examined the same, and believing that it involves questions of law, the decision of which, belongs properly to the Judiciary committee, they ask to be discharged from its further consideration, and recommend its reference to said committee.

All of which is respectfully submitted.

[Signed]

E. M. PEASE,

Chairman.

Report read and adopted, and the bill referred to the committee on the Judiciary.

Mr. Pease, Chairman of the committee on Public Lands, also made the following report:

*To the Hon. Wm. E. Crump,
Speaker of the House of Representatives:*

The committee on Public Lands, to whom was referred a bill (from the Senate) to be entitled, "An act, to legalize and make valid, the official acts of Chief Justices and Associate Justices, while sitting as boards of Land Commissioners, between the first Monday in September, eighteen hundred and forty-five, and the first day of July, eighteen hundred and forty-six; and, also, a bill, which originated in the House of Representatives, to be entitled, "An an act, to legalize the acts of the several boards of Land and County Commissioners, of the Republic and State of Texas, in granting conditional and unconditional certificates to emigrants, under the laws now in force"—have considered the same.

The committee are informed that since the first Monday in September, eighteen hundred and forty-five, it has been the practice, in some counties, for the Chief Justices and Associate Justices, to issue land certificates to emigrants; while in other counties, such certificates have been issued by the Courts of County Commissioners, which were elected on the first Monday in September, eighteen hundred and forty-five; and that they are still issued, in some counties by the former, and in others by the latter—owing to a doubt that exists with many, which is the proper authority to issue them. Your committee believe that certificates will still continue to issue, in like

manner as they have been, until some Legislative action is had on the subject. They therefore, recommend the passage of an act, to make valid such certificate as have been issued since the first Monday in September, eighteen hundred and forty-five; or which may, hereafter be issued, either by the Chief Justices and Associate Justices; or by the Court of County Commissioners—at any time, before the Board of Land Commissioners, which may be created by this Legislature, shall enter upon the discharge of their duties: *Provided*, That such certificates shall in all other respects, be issued in conformity with existing laws.

Your committee have prepared a bill, to be entitled, "An act, to legalize the official acts of Chief Justices and Associate Justices, and Courts of County Commissioners, while sitting as Boards of Land Commissioners."

This bill will carry into effect the views contained in this report; and they recommend that it be adopted, as a substitute for the bills referred to them.

All of which is respectfully submitted.

[Signed]

E. M. PEASE,

Chairman.

Report, bills and substitute received, and laid upon the table, to come up with the orders of the day.

Mr. Gray, Chairman of the committee on the Judiciary, made the following report:

*To the Honorable Speaker
of the House of Representatives:*

The committee on the Judiciary, to whom was referred a bill to be entitled, "An act to provide for the organization of new counties," and a bill, to be entitled, "An act requiring elections to be holden throughout the State"—have had the same under consideration, and instruct me to report the enclosed substitute for both of said bills, and to recommend its adoption and passage.

[Signed]

P. W. GRAY.

Chairman.

On motion, the report was adopted; and

A bill, to be entitled, "An an act to provide for the organization of the several new counties in the State,"

Read a first time.

Mr. Gray, Chairman of the committee on the Judiciary, also made the following report:

The committee on the Judiciary, to whom was referred a

bill, to be entitled, "An act organizing Justices' Courts; and to define the powers and jurisdiction of the same"—have had the same under consideration; and have instructed me to report the bill back to the House, with the accompanying amendments thereto, and to recommend its passage, as amended.

Report, bill and amendments received, and laid upon the table, to come up with the orders of the day.

Mr. Gray also made the following report:

*To the Hon. Speaker
of the House of Representatives:*

The committee of Conference, appointed on the part of the House, to confer with a like committee from the Senate, relative to a bill to be entitled, "An act prescribing and defining the time, at which all laws hereafter enacted, shall have and go into effect," together with the amendments, made thereto by the House—have had the same under consideration; and respectfully report, that the committee of the two Houses, cannot agree upon any terms in regard to said bill.

The committee, therefore, beg leave to be discharged from the further consideration of the subject.

[Signed]

P. W. GRAY,

Chairman, on part of the House.

[Signed]

J. J. ROBINSON,

Chairman, on part of the Senate.

Report read and adopted.

Mr. Gray also reported as follows:

*To the Honorable Speaker of
the House of Representatives:*

The committee of Conference appointed on the part of the House, to act in conjunction with a like committee on the part of the Senate, relative to a bill, to be entitled, "An act to exclude from office, serving on juries, and from the right of suffrage, all persons, who may hereafter be convicted, and upon whom final judgment has been executed—of bribery, perjury, subornation of perjury, forgery, counterfeiting, grand larceny, or treason against this State, or the United States"—have had said bill and the amendments, made thereto by the House, under consideration; and the committee of the two Houses agree that the amendments, of the House, to said bill, ought to be concurred in by the Senate, except the last amendment, which is *that* striking out the clause, "that the act take effect from

and after its passage." From this last amendment, it is agreed that the House ought to recede.

[Signed]

P. W. GRAY,

Chairman, on the part of the House.

[Signed]

J. J. ROBINSON,

Chairman, on the part of the Senate.

Mr. Miller introduced a bill, to be entitled, "An act to fix and apportion the Representation of the State."

Bill read a first time.

Mr. Cooke introduced a bill, to be entitled, "An act establishing the seat of justice of Limestone county."

Bill read a first time.

Mr. McClarty introduced a bill, to be entitled, "An act requiring the Supreme Court, to hold its sessions in the county of Rusk."

Bill read a first time.

Mr. Keenan introduced a bill, to be entitled, "An act fixing the seat of justice of Montgomery county."

Bill read a first time.

Mr. Ryburn introduced a bill, to be entitled, "An act to provide for the election of officers, in Dallas county."

Bill read a first time.

Mr. Ryburn also introduced a bill, to be entitled, "An act fixing the seat of justice of Dallas county."

Bill read a first time.

On motion, the House proceeded to take up the

ORDERS OF THE DAY.

A bill to entitled, "An act defining the duties of Assessors of direct taxes and revenue of the State of Texas," being the special order of the day, was taken up.

Mr. Eddy moved to amend the bill as follows:

In the fifth section, after the word "that," strike out all the balance and insert the words "in which they may reside, such persons may give in their property in their respective counties."

The yeas and nays were called, on the adoption of Mr. Eddy's amendment, and stood as follows:

Yeas. Messrs. Adams, Brown, Cazenau, Cronican, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gillett, Gooch, Irion, Jones, Keenan, Mabry, McClarty, McCown, Milican, Muckleroy, Pattillo, Perkins, Rayner, Ryburn, Sadler, Savage, Stevenson, Stewart

Smith of Rusk, Sublett, Truitt, Williams, and Willie—34

Nays. Messrs. Speaker, Barry, Bourland, Burroughs, Charlton, Clark, Cooke, Gray, Gilliam, Holland, Howard, McCulloch, McFarland, McNeill, Miller, Mullens, Noble, Pease, Perry, Rose, Russell, Smith of Harris, Tankersly, and White—24.

So the amendment was adopted.

On motion of Mr. Howard, the House resolved itself into a committee of the Whole.

Mr. Sublett in the Chair.

After some time being spent therein, the committee rose, reported the bill back, with amendments, and asked to be discharged from further consideration of the subject.

Report adopted.

Mr. Echols moved that the bill be referred to the committee on the Judiciary.

Mr. Rose moved that the bill be referred to the committee on Finance, with instructions to report thereon, on Monday next, at ten o'clock, A. M.

Motion lost.

On motion of Mr. Eddy, the bill was referred to a Select Committee.

The Speaker appointed Messrs. Clark, Rose, Howard, Eddy and Stewart, to compose said committee.

On motion of Mr. Charlton, Mr. Brown was added to the committee.

Mr Howard moved that the whole House be added to said committee.

Motion lost.

Mr. Brown moved, that the Clerk make no minute of the action of the House, just had on said bill.

Motion lost.

Mr. Howard moved, that the vote of the House, referring the bill to a Select Committee, be reconsidered.

Motion carried.

On motion of Mr. Howard, the bill was then referred to the committee on Finance.

On motion of Mr. Sublett, Mr. Sadler was added to the committee on Finance.

On motion of Rayner, Mr. Willie was also added to said committee.

A bill, to entitled, "An act creating the county of Calhoun," with an amendment from the Senate, was taken up.

On motion of Mr. Jones, the amendment was concurred in by the House.

A bill, to be entitled, "An act prescribing the mode of organizing the House of Representatives." was taken up, together with the substitute therefor, offered by the committee on State Affairs.

Substitute read and adopted.

On motion of Mr. Sublett, the bill was ordered to be engrossed.

A message was received from the Senate, informing the House of the adoption of the reports of the committee of Conference, relative to the following bills:

A bill, to be entitled, "An act to exclude from office, serving on juries, &c., persons convicted of certain high crimes, &c.: and

A bill, to be entitled, "An act prescribing the time, at which all laws shall have and go into effect."

The House was also informed, that the Senate had passed the following bills:

A bill, to be entitled, "An act creating the county of Wharton," with amendments;

A bill, to be entitled, "An act locating the county seat of Wharton county;"

A bill, to be entitled, "An act to create the county of Tyler," with amendments;

A bill, to be entitled, "An act to enable the Governor to fill certain vacancies," with amendments;

A bill, to be entitled, "An act to establish the county seat of Milam county;

A bill, to be entitled, "An act to exempt from liability, any witness, who may fail or refuse to attend as such, in any court in a civil suit, out of the county in which he resides;"

A bill, to be entitled, "An act to allow defendants to plead a partial failure of consideration;" and

A bill, to be entitled, "An act to continue in office, certain civil and military officers."

On motion of Mr. Sublett, a bill, to be entitled, "An act, for the relief of Travis G. Broocks," was taken up, and

Read a second time.

On further motion of Mr. Sublett, the bill was referred to a Select Committee.

The Speaker appointed Messrs. Brown, Miller, Muckleroy, Ryburn and McClarty, to compose said committee.

A "resolution fixing the adjournment of the Legislature, *sine die*, on the fifteenth of April next," was taken up, and

Read a second time.

Mr. Williams moved, that the resolution be laid upon the table.

On motion of Mr. Russell, a call of the House was made.

On motion of Mr. Dickson, a further call of the House was suspended.

The question then recurred, on the adoption of Mr. Williams' motion, to lay the resolution upon the table.

The yeas and nays were called, on the adoption of the motion, and stood thus:

Yeas—Messrs. Adams, Barry, Bourland, Brown, Burroughs, Clark, Cooke, Dupree, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Gillett, Gilliam, Gooch, Holland, Hudson, Irion, Jones, McClarty, McCulloch, McFarland, McNeill, Miller, Muckleroy, Mullens, Noble, Pease, Perkins, Perry, Russell, Ryburn, Sadler, Savage, Smith of Rusk, Sublett, Truitt, Williams and Willie—39.

Nays—Messrs. Speaker, Cazenau, Charlton, Cronican, Dickson, Eddy, Gray, Howard, Keenan, McCown, Milican, Ogden, Rayner, Rose, Stewart, Smith of Harris, Tankersly and White.—18.

So the resolution was laid upon the table.

Mr. Clark, by leave, introduced the following resolution:

Resolved, That, with the concurrence of the Senate, the two Houses of the Legislature of the State of Texas, adjourn, *sine die*, on the _____ day of April next.

Resolution read and

On motion, laid on the table, one day, for consideration.

A joint resolution, for disposing of a portion of the Public Buildings in the City of Austin, was taken up, and

Read a second time.

Mr. Cazenau moved to amend the joint resolution, by excepting the President's House.

The yeas and nays were called, on the adoption of Mr. Cazenau's amendment, and stood as follows:

Yeas—Messrs. Speaker, Adams, Bourland, Cazenau, Cooke, Durham, Edwards of Nacogdoches, Hudson, Howard, Irion, Jones, Keenan, McClarty, McNeill, Ogden, Perkins, Rayner, Rose, Stewart, Smith of Rusk, White, Williams and Willie—23.

Nays—Messrs. Brown, Burroughs, Charlton, Clark, Cronican, Echols, Eddy, Gray, Gillett, Gilliam, Gooch, Holland, McCown, McCulloch, McFarland, Miller, Millican, Muckleroy, Mullens, Noble, Pease, Perry, Russell, Sadler, Savage, Smith of Harris, Tankersly and Truitt—28.

So the amendment was rejected.

Mr. White offered to amend, by striking out the "twenty-fourth of September," and inserting, in lieu thereof, "the twenty-fifth of December."

Amendment rejected.

Mr. White then moved, to amend by striking out all relating to "*credit*."

Amendment rejected.

On motion of Mr. Rose, the resolution was ordered to be engrossed.

Mr. Perkins moved that the rule of the House, requiring all bills; joint resolutions &c., to be read on three several days, be suspended.

Motion carried.

The joint resolution, was then read a third time and passed.

Mr. Tankersly moved, that the vote just taken on the final passage of the joint resolution, be reconsidered.

Motion carried.

The joint resolution was then passed to its third reading.

A bill to be entitled, "An act, to create the county of Collin," was taken up,

Read a third time and passed.

A bill to be entitled "An act, to create the county of Tyler" with the amendments made by the Senate—were taken up.

Amendments read and concurred in.

On motion of Mr. Jones, the bill, to be entitled "An act, creating the county of Wharton"—with the amendments, made by the Senate—were taken up.

Amendments read and concurred in.

On further motion of Mr. Jones, the bill to be entitled "An act, fixing the county seat of Wharton County"—with the amendments made by the Senate—was taken up.

Amendments read and concurred in.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined the following bill, and find the same correctly enrolled.

"An act, to create the county of Guadalupe."

Said bill, having been signed by the Speaker of the House of Representatives, and the President of the Senate, was this day, presented to his Excellency, the Governor, for his approval.

A bill to be entitled "An act, to prohibit individuals from issuing Bills, Checks, Promissory Notes, or other paper, to circulate as money," was taken up and

Read a first time.

A bill to be entitled "An act, to continue in office certain Civil and Military Officers, commissioned under the late Republic of Texas," was taken up and

Read a first time.

On motion of Mr. Rose, the rule of the House, requiring bills to be read on three several days, was suspended.

The bill was then read a third time, and

On motion, referred to the committee on the Judiciary.

A bill to be entitled "An act, to amend an act, to incorporate Herman's University," was taken up and

Read a first time.

A bill to be entitled "An act, authorizing the Commissioner of the General Land Office, to issue Patents, in cases where Land Scrip has been located in two surveys," was taken up and

Read a first time.

A bill to be entitled "An act, to exempt certain property from forced sale, under execution," was taken up and

Read a third time.

Mr. Clark moved, that the bill be re-committed to the committee on the Judiciary.

Motion lost.

The question then recurred, on the final passage of the bill.

The yeas and nays were called, and stood as follows:

Yeas—Messrs. Speaker, Brown, Charlton, Cooke, Dickson, Durham, Echols, Edwards of San Augustine, Gillett, Gooch, Holland, Howard, Jones, Keenan, McNeill, Mullens, Ogden, Rayner, Stewart, Smith of Harris, Smith of Rusk, Tankersly and Willie—23.

Nays. Messrs. Adams, Bourland, Burroughs, Cazenau, Clark, Cronican, Edwards of Nacogdoches, Eddy, Gray, Gilliam, Irion, McClarty, McCown, McCulloch, McFarland, Miller, Muckleroy, Noble, Pease, Perkins, Perry, Rose, Russell, Ryburn, Sadler, Savage, Truitt, White and Williams—29.

So the bill was rejected.

A bill to be entitled "An act, to make provision for Public Education," was taken up and

Read a third time.

On motion of Mr. Rose, the bill was laid upon the table.

A bill to be entitled "An act, to provide for the enumeration of the inhabitants of the State of Texas"—with the amendments offered by the committee on State Affairs—were taken up.

Amendments read.

Mr. Miller moved, to amend the bill, by striking out the word "December," and inserting, in lieu thereof, "20th of June."

Amendment rejected.

Mr. Gilliam moved to amend the bill, by striking out "three," before the word "cents," and inserting in its stead, "two."

Amendment rejected.

Mr. Gilliam move, to strike out "two," and insert "one."

Amendment rejected.

Mr. Sadler moved, that the bill be referred to a Select Committee.

Motion lost.

Mr. Miller moved, that the bill be laid upon the table.

In accordance with the established rule, the House adjourned, until Monday morning, nine o'clock.

HOUSE OF REPRESENTATIVES,
CITY OF AUSTIN, MONDAY,
March, 30th, 1846.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Branch, Bourland, Burroughs, Charlton, Clark, Cooke, Cronican, Dickson, Durham, Echols, Edwards of San Augustine, Eddy, Erath, Gillett, Gilliam, Gooch, Holland, Hudson, Irion, Keenan, McClarty, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo, Pease, Perkins, Perry, Rayner, Railey, Rose, Russell, Ryburn, Sadler, Savage, Smith of Harris, Smith of Rusk, Sublett, Truitt, White and Williams.

A quorum being present, the House proceeded to business.

The Journal of Saturday, the 28th instant, was read and adopted.

Mr. Russell, Chairman of the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills, have examined the following bills, and find the same correctly engrossed:

A bill, to be entitled, "An act, to raise a revenue by direct taxation;" and

A bill to be entitled "An act, to define the boundaries of Robertson County."

[Signed]

A. J. RUSSELL,
Chairman.

Report read and accepted.

Mr. Cooke introduced a bill, to be entitled "An act, requiring the county of Limestone to pay one fourth of the debt of Robertson county."

Bill read a first time.

Mr. Cooke also introduced a bill, to be entitled "An act, providing for the election of officers, for Limestone county.

Bill read a first time.

Mr. Willie introduced a bill, to be entitled "An act, to authorize the Chief Justices, elected on the second Monday in February last, to continue in office, until their successors are elected."

Bill read a first time.

Mr. Branch introduced a bill, to be entitled "An act, to provide for the payment of a portion of the debt of Liberty county, by the counties of Polk and Tyler."

Bill read a first time.

On motion of Mr. Dickson, the House proceeded to take up the

ORDERS OF THE DAY.

On motion of Mr. Branch, the substitute for a bill, to be entitled "An act, to provide for the organization of the several new counties," was taken up.

Substitute read and adopted.

Mr. Sadler moved, that the bill be engrossed.

Mr. White moved to strike out the words, "election of Chief Justice by the people."

Motion lost.

Mr. Brown moved, to amend the bill, by striking out the words "third Monday in June," and inserting, in lieu thereof, "second Monday in July."

Amendment adopted.

The question then recurred, on Mr. Sadler's motion for the engrossment of the bill, and the

Bill was ordered to be engrossed.

Mr. Branch moved, that the rule of the House, which requires bills to be read on three several days, be suspended.

Motion lost.

Mr. Duprée, by leave, introduced a bill, to be entitled "An act, to regulate Patrols, throughout the State."

Bill read a first time.

On motion of Mr. Russell, the bill, to be entitled "An act creating the county of Cass," was taken up, together with the amendments thereto, offered by the committee on County Boundaries.

On motion the bill and amendments were referred to a Select Committee.

The Speaker appointed Messrs. Sadler, Rose, Willie, Gillet, Clark and Brown, to compose said committee.

A bill to be entitled "An act, to establish the limits of San Patricio county," was taken up and

Read a second time.

On motion of Mr. Stevenson, the bill was ordered to be engrossed.

A bill to be entitled "An act, fixing and defining the boundary of the county of Nueces," was taken up and

Read a second time.

On motion of Mr. Howard, the bill was referred to a Select Committee.

The Speaker appointed Messrs. Howard, Stevenson, Cooke, Eddy and Duprée, to compose said committee.

A bill to be entitled "An act, creating the county of Limestone," was taken up—together with the substitute therefor, offered by the committee on County Boundaries.

Substitute read and adopted.

On motion of Mr. Cooke, the bill was ordered to be engrossed.

A bill to be entitled "An act, to amend the eighth and eleventh sections of an act, incorporating Herman's University," was taken up and

Read a second time.

On motion of Mr. Rayner, the bill was referred to the committee on Education.

A bill to be entitled "An act, to authorize the Governor, to fill certain vacancies," was taken up—together with the amendments thereto, made by the Senate.

Amendments read and concurred in.

Mr. Perkins moved, that the rule, requiring the House to meet at nine o'clock, A. M., and adjourn at half past one o'clock, P. M. be suspended.

Motion carried.

Mr. Echols moved, that the House adjourn, until to-morrow, nine o'clock, A. M.

Motion lost.

On motion of Mr. Rayner, the House adjourned, until half past three o'clock, P. M.

HALF PAST THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Barry, Bourland, Charlton, Clark, Dickson, Dupree, Echols, Edwards of San Augustine, Eddy, Gray, Gilliam, Gooch, Howard, Irion, Jones, Keenan, Mabry, McClarty, McCown, McCulloch, McFarland, McNeill, Miller, Muckleroy, Mullens, Noble, Pattillo, Pease, Perkins, Perry, Railey, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Smith of Harris, Truitt and Williams.

A quorum being present, the House proceeded to business.

A bill to be entitled "An act, providing for the enumeration of the inhabitants of Texas," was taken up and

Read a second time.

The amendments offered by the committee on the Judiciary, were read and adopted.

Mr. Miller moved that the bill be referred to a Select Committee.

Motion lost.

On motion of Mr. Clark, the bill was passed to a third reading.

Mr. Echols introduced the following resolution:

Resolved, That this House will not adjourn, until ten o'clock,

P. M.

Motion lost.

Mr. Cooke, by leave, introduced a bill, to be entitled An act, to restrain Colonial Contractors from disposing of their premium Lands, until the final determination of suits, required to be commenced against them, by the convention that formed the Constitution of the State of Texas."

Bill read a first time.

A bill to be entitled An act, to allow defendants, to plead a *partial failure of consideration*, was taken up and

Read a first time.

A bill to be entitled An act, to exempt any witness, who may

fail or refuse to attend any Court out of the county in which he may reside, was taken up and

Read a second time.

A bill to be entitled An act, transferring a portion of the public debt of Milam, to Burleson county, was taken up and

Read a second time.

On motion of Mr. Willie, the bill was ordered to be engrossed.

A bill to be entitled An act, for the protection of the various county seats—established under the laws of the Republic of Texas, was taken up and

Read a second time.

On motion of Mr. Rose, the bill was laid upon the table.

A bill to be entitled An act, legalizing all instruments of writing; acknowledged and recorded, before certain officers—was taken up and

Read a second time.

On motion of Mr. Howard, the bill was referred to committee on the Judiciary.

The "Resolution, fixing the the adjournment of the Legislature, *sine die*," was taken up and

Read a second time.

Mr. Rayner moved, that the blank in the resolution, after the word "April," be filled with the "24th."

Amendment rejected.

Mr. Bourland moved, that the resolution be laid upon the table, until Thursday next.

Motion carried.

A bill to be entitled An act, to create a County Treasurer, was taken up and

Read a second time.

On motion of Mr. McFarland, the bill was referred to the committee on Finance.

A bill to be entitled An act, for the relief of Seth Marvin, was taken up and

Read a second time.

On motion of Mr. Rose, the bill was referred to the committee on Claims and Accounts.

A bill to be entitled An act, for the relief of E. G. Rector, was taken up and

Read a second time.

On motion of Mr. Rose, the bill was referred to the committee on Public Lands.

Mr. Williams, by leave, introduced a bill, to be entitled An act, legalizing the sale of town lots in Goliad.

Bill read a first time.

A bill, to be entitled An act, authorizing the approval of Land Warrants, by the Commissioner of the General Land Office, was taken up and

Read a second time.

On motion of Mr. Cooke, the bill was referred to the committee on Public Lands.

A bill to be entitled An act, authorizing the Governor to offer a reward for fugitives, was taken up and

Read a second time.

On motion of Mr. McCown, the bill was ordered to be engrossed.

A bill to be entitled An act, fixing the number of Petitioners for a new county, was taken up and

Read a second time.

On motion of Mr. Eddy, the bill was laid upon the table.

A bill to be entitled An act, for the relief of Master Builders and Mechanics of Texas, was taken up and

Read a second time.

On motion of Mr. Barry, the bill was referred to the committee on the Judiciary.

A bill to be entitled An act, to avoid further confusion, in the Land System of Texas, was taken up and

Read a second time.

On motion of Mr. Gray, the bill was laid upon the table.

A bill to be entitled An act, prescribing the mode of taking interrogatories, out of the State, was taken up and

Read a second time.

On motion of Mr. Willie, the bill was referred to the committee on the Judiciary.

A bill to be entitled An act, regulating the time and mode of electing county officers, was taken up and

Read a second time.

On motion of Mr. Dickson, the bill was laid upon the table.

A bill to be entitled An act, requiring the Commissioner of the General Land Office, to issue a certificate, for six hundred and forty acres of land, to Samuel Davis, was taken up and

Read a second time.

On motion of Mr. Cooke, the bill was referred to the committee on Public Lands.

A bill to be entitled An act, for the relief of the heirs

of Samuel S. Sheffield, deceased, was taken up and

Read a second time.

On motion of Mr. Gray, the bill was referred to the committee on Public Lands.

A bill to be entitled An act, for the relief of James Gilliam, assignee of Jesse Billingsly, was taken up and

Read a second time.

Mr. Miller moved, that the bill be referred to the committee on Public Lands.

On motion, the bill was laid upon the table, until to morrow.

Mr. Russell, chairman of the committee on Engrossed Bills, made the following report:

To the Honorable W. E. Crump,

Speaker of the House of Representatives :

The committee on Engrossed Bills, have examined the following bill and joint resolution, and find the same correctly engrossed:

A bill to be entitled An act, to prescribe the manner of organizing the House of Representatives, of the Legislature of the State of Texas, and

A Joint Resolution, for disposing of a portion of the Public Buildings, in the City of Austin.

[Signed]

A. J. RUSSELL,
Chairman.

Report read and accepted.

A bill to be entitled An act, requiring the Sheriff of the county, wherein the Supreme Court may be held; to serve, and attend upon the Supreme Court, was taken up and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill to be entitled An act, requiring the County Commissioners of Robertson county, to perform certain duties, was taken up and

Read a second time.

On motion of Mr. Cooke, the bill was ordered to be engrossed.

Mr. Burroughs, Chairman of the committee on Enrolled Bills, made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives :

The committee on Enrolled Bills have examined the following bills, and findes same correctly Enrolled:

An act, defining the boundaries of the county of Matagorda.

An act, to provide for the location of the county site of the county of Calhoun, and

An act, to authorize the Governor, to make all necessary preparation to transfer to the United States, all Custom Houses, and all places for collecting impost duties and other foreign revenue; and to transfer the same.

Said bills, having been signed by the Speaker of the House of Representatives, and the President of the Senate, *pro tem.*, were, this day, presented to His Excellency, the Governor, for his approval.

[Signed]

JAMES BURROUGHS,
Chairman.

Report read and accepted.

Mr. Burroughs moved, that the House adjourn, until nine o'clock, to-morrow morning.

Motion lost.

A bill to be entitled An act, to authorize the Governor to employ a Private Secretary, was taken up and

Read a second time.

On motion of Mr. Dickson, the bill was referred to the committee on State Affairs.

A bill to be entitled An act, to give notice to legal land claimants, was taken up and

Read a second time.

On motion of Mr. Bourland, the bill was referred to the committee on the Judiciary.

A bill to entitled An act, to prohibit free negroes from settling in the State—South of thirty-six degrees thirty minutes, was taken up and

Read a second time.

On motion of Mr. Mabry, the bill was referred to the committee on State Affairs.

A bill to be entitled An act, to provide for the appointment of Constables, in certain cases, was taken up and

Read a second time.

On motion of Mr. McNeill, the bill was laid upon the table.

Mr. Edwards of San Augustine, moved that the House adjourn, until to-morrow morning nine o'clock.

Motion lost.

A bill to be entitled An act, fixing Land Districts, was taken up and

Read a second time.

On motion of Mr. Cooke, the bill was laid upon the table.

A bill to be entitled An act, establishing a standard of weights and measures, was taken up and

Read a second time.

Mr. Perkins moved, that the bill be laid upon the table.

Motion lost.

Mr. Gillett moved, that the House adjourn, until to-morrow morning nine o'clock.

Motion lost.

Mr. Burroughs moved, that the bill be referred to the Committee on the Judiciary.

Motion lost.

Mr. White moved, that the bill be laid upon the table until Monday next—the 6th of April.

Motion lost.

Mr. Miller moved, that the House adjourn until to-morrow morning nine o'clock.

Motion lost.

Mr. McFarland offered the following, as an amendment to the bill:

Be it further enacted, That the members will be compelled to carry the above weights and measures, to the different counties.

Amendment rejected.

Mr. Perkins moved, that the bill be referred to the committee on Finance.

Motion lost.

Mr. Dickson moved, to amend the bill, by striking out "twenty," before the word "quarts," and inserting "eighteen," in lieu thereof.

Amendment rejected.

Mr. Russell moved, that the bill be referred to a Select Committee.

Motion lost.

On motion of Mr. Dupree, the bill was referred to a Select Committee.

The Speaker appointed Messrs. Dupree, Rose, Gooch, Railey and Pattillo, to compose said committee.

A bill to be entitled An act, to create the county of Angelina, was taken up and

Read a second time.

On motion of Mr. Muckleroy, the bill was ordered to be engrossed.

Mr. McCown moved, that the House adjourn until to-morrow morning, nine o'clock.

Motion lost.

A bill to be entitled An act, requiring the Governor, to cause the Constitution and laws, of this State, to be translated into the German language, was taken up and

Read a second time.

On motion of Mr. Rose, the blank in the bill, was filled with the words, "five hundred dollars."

On motion of Mr. Williams, the House adjourned, until nine o'clock, to-morrow morning.

HOUSE OF REPRESENTATIVES,

CITY OF AUSTIN, TUESDAY,

March 31st, 1846.

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Branch, Brown, Burroughs, Charlton, Clark, Cooke, Dupree, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gillett, Gilliam, Gooch, Holland, Irion, Keenan, Mabry, McClarty, McCown, McCulloch, McFarland, McNeill, Miller, Milican, Muckleroy, Pease, Perkins, Perry, Railey, Rayner, Rose, Russell, Ryburn, Sadler, Savage, Stevenson, Smith of Harris, Smith of Rusk, Sublett, Truitt, White and Willie.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Irion, chairman of the committee on County Boundaries, made the following report:

[No transcript of this report was made, into the Journal of 31st of March, and the original cannot be found among the papers of that session of the Legislature.]

Mr. Russell, chairman of the committee on Engrossed Bills, made the following report:

*To the Honorable, the Speaker
of the House of Representatives :*

The committee on Engrossed Bills have examined the following bills, and find the same correctly engrossed.

A bill to be entitled An act, creating the county of Limestone.

A bill to be entitled An act, to provide for the organization of the several counties of the State, and

A bill to be entitled An act, to establish and define the limits of the county of San Patricio.

(Signed)

A. J. RUSSELL,
Chairman.

Report read and accepted.

Mr. Mabry introduced a Resolution, requiring the Governor to reside at the Seat of Government.

Resolution read a first time.

Mr. Edwards of Nacogdoches, introduced a bill, to be entitled An act, to define the boundaries of Nacogdoches county.

Bill read a first time.

Mr. Hudson presented the petition of Thomas McKernan—praying for relief.

Petition read and

On motion of Mr. Hudson, referred to the committee on Claims and Accounts.

On motion of Mr. Dickson, the House proceeded to take up the

ORDERS OF THE DAY.

On motion of Mr. Barry, a bill to be entitled An act, for the relief of James Gilliam, assignee of Jesse Billingsly, was taken up and

Read a second time.

On motion of Mr. Rose, the bill was ordered to be engrossed.

A bill to be entitled An act, incorporating the city of New Braunfels, was taken up and

Read a second time.

On motion of Mr. Mabry, the bill was referred to the committee on the judiciary.

Mr. Williams, by leave, introduced a bill, to be entitled, An act, for the relief of Thomas Chadoin, accompanied with a petition; which were read and

On motion, referred to the committee on Public Lands.

A bill to be entitled An act, to establish the county of Leon, was taken up and

Read a second time.

On motion of Mr. Adams, the bill was referred to a Select Committee.

The Speaker appointed Messrs. Adams, Eddy, Echols, Smith of Rusk, and Muckleroy, to compose said committee.

A bill to be entitled An act, to organize the county of Upshur, was taken up and

Read a second time.

Mr. Barry offered the following, as an amendment to the bill:

Thence north, to a point, on a direct line from the South East corner of Lamar, or Hopkins county. Thence down said line, to the beginning.

The yeas and nays were called, on the adoption of the amendment, and stood as follows:

Yeas. Messrs. Speaker, Barry, Branch, Burroughs, Cazeau, Durham, Echols, Gillett, Gilliam, Gooch, McClarty, McCulloch, McFarland, Rayner, Russell, White, Williams and Willie—17.

Nays. Messrs. Adams, Brown, Charlton, Clark, Dickson, Dupree, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Holland, Howard, Irion, Keenan, Mabry, McCown, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo, Perkins, Perry, Railey, Redgate, Rose, Ryburn, Sadler, Savage, Stevenson, Smith of Harris, Smith of Rusk, Sublett and Truitt—37.

So the amendment was rejected.

On motion of Mr. McCown, the bill was ordered to be Engrossed.

A message was received from the Senate, informing the House of the passage of the following bills, by that body:

A bill to be entitled An act, to create the county of La Vaca—with amendments.

A bill to be entitled An act, to locate the county seat of La Vaca county.

A bill to be entitled An act, for the regulation of Pilots.

A bill to be entitled An act, to create the county of Hunt; and

A bill to be entitled An act, to incorporate the Huntsville Academy.

A bill to be entitled An act, to provide for the organization of the several counties of this State, was taken up

Read a third time and passed.

By leave, Mr. Sublett made the following report:

The Select Committee, to whom was referred a bill to be

entitled An act, regulating juries, have considered the provisions of said bill, and, a majority of the committee have instructed me to recommend to the House of Representatives, the following amendments, thereto:

Strike out the twenty-seventh, twenty-eighth and twenty-ninth sections of the bill—together with the amendments, made to said sections, by the House, in committee of the whole.

With these amendments, I am instructed to recommend the passage of the bill.

It may be seen, by reference to the bill, that the sections, recommended to be stricken out, relate exclusively, to the raising of a Jury Fund. It is the opinion of a majority of the committee, that, if the sections, to which reference has been made, are retained in the bill, the bill will embrace two distinct objects; and will therefore, conflict with the Constitution of the State.

All of which, is respectfully submitted.

[Signed]

H. W. SUBLETT,

Chairman.

Report read and received, and laid upon the table, to come up with the orders of the day.

A bill to be entitled An act, requiring the county of Wharton, to pay a part of the county debt of the counties of Matagorda and Colorado, was taken up and

Read a second time.

On motion of Mr. Jones, the bill was ordered to be engrossed.

A bill to be entitled An act, to provide for fixing the seat of Justice, of the county of Grimes, was taken taken up and

Read a second time.

Mr. Dickson moved, to amend the bill, by striking out "Upshur," and inserting "Andersonville," in lieu thereof. Also, to strike out "A. M. Deverough," and insert, in its stead, "S. G. Deverough."

Amendment adopted.

Mr. McNeill moved, to strike out the words, "such selection shall not be more than seven miles from the centre."

Amendment rejected.

On motion of Mr. Dickson, the bill was then ordered to be engrossed.

A bill to be entitled An act, authorizing the Chief Justice of Gonzales county; to hold elections in certain counties, was taken up.

On motion of Mr. McCulloch, the bill was laid upon the table, without being read.

A bill to be entitled An act, to establish a subordinate Land Office, in the town of Marshall, was taken up and

Read a second time.

On motion of Mr. Holland, the bill was referred to the committee on the Land Office.

A bill to be entitled An act, authorizing the Commissioner of the General Land Office, to issue a Patent to Joseph McGee, was taken up and

Read a second time.

On motion of Mr. Rayner, the bill was ordered to be engrossed.

A bill to be entitled An act, providing for the disposition of the unfinished business, remaining at the adjournment of each session of the Legislature, was taken up and

Read a second time.

On motion of Mr. Rose, the bill was laid upon the table.

On motion of Mr. Milican, Mr. Cooke was added to the Select Committee, appointed to consider the bill, to be entitled An act, creating the county of Leon.

Mr. Howard, from the committee to whom was referred a bill to be entitled An act, creating the county of Nueces, reported an amendment thereto.

Amendment read and adopted.

On motion of Mr. Howard, the bill was then ordered to be engrossed.

A bill to be entitled An act, making an appropriation, for the pay of Captain L. H. Mabbitt's company of Rangers, was taken up and

Read a second time.

On motion of Mr. Muckleroy, the bill was referred to the committee on Claims and Accounts.

A bill to be entitled An act, to authorize plaintiffs to discontinue their suits, in vacation, was taken up and

Read a second time.

On motion of Mr. Miller, the bill was referred to the committee on the Judiciary.

A bill to be entitled An act, for the relief of Isaac Fergerson, was taken up and

Read a second time.

On motion of Mr. McClarty, the bill was ordered to be engrossed.

A bill to be entitled An act, to provide for the trial and pun-

ishment of crimes and misdemeanors, committed by slaves and free persons of color, was taken up and

Read a second time.

On motion of Mr. Branch, the bill was referred to the committee on the Judiciary.

A bill to be entitled An act, to authorize Justices of the Peace, to practice law, in the Appellate Court, in support of their decisions, was taken up and

Read a second time.

On motion of Mr. Rose, the bill was laid upon the table.

A bill to be entitled An act, to restore lands, sold for taxes, to their former owners, was taken up and

Read a second time.

On motion, the bill was referred to the committee on Finance.

A bill to be entitled An act, to repeal an act, making a survey of a reserve of land for the Coshatte and Alabama Indian—approved, January 1840; was taken up and

Read a second time.

On motion of Mr. White, the bill was referred to the committee on the Judiciary.

A bill to be entitled An act, to locate the Supreme Court; was taken up and

Read a second time.

On motion of Mr. Holland, the bill was referred to the committee on the Judiciary.

A bill to be entitled An act, to incorporate the La Vaca and Rio Grande rail-road Company; was taken up and

Read a second time.

On motion of Mr. Burroughs, the bill was referred to the committee on Internal Improvements.

A bill to be entitled An act, to provide for revising, digesting and arranging the laws—civil and criminal; was taken up and

Read a second time.

Mr. Sadler moved, to amend the bill, by striking out the words, "two or more," and inserting "one," in lieu thereof.

Amendment rejected.

On motion of Mr. Rose, the caption of the bill was amended, by inserting, after the word "criminal," the words "of a general nature."

On motion of Mr. Brown, the bill was made the special order of the day, for Saturday next, at ten o'clock, A. M.

A bill to be entitled An act, to authorize the Governor, to cause the Constitution and Laws of the State of Texas, to be

translated into the German language; and to promulgate the same—was taken up and

Read a second time.

On motion of Mr. Rose, the bill was ordered to be engrossed.

A bill to be entitled An act, to provide for widows and orphans, was taken up—together with the following amendment, reported by the committee on the Judiciary.

Strike out all after the word "Enacted," in the second section, and insert in lieu thereof, the following:—"That the proceeds of any sale, made under the provisions of the preceding section, shall be paid over to the widow of the deceased—if he has left one—and if not, then to the guardian or guardians, of child or children.

Amendment adopted.

On motion of Mr. Sublett, the bill was then ordered to be engrossed.

A bill to be entitled An act, to organize certain offices, subordinate to the General Land Office of the State of Texas; was taken up and

Read a second time.

On motion of Mr. Williams, the bill was referred to a Select Committee,

The Speaker appointed Messrs. Williams, Edwards of Nacogdoches, Pease, Rose, Clark, Stevenson, Gooch and Burroughs, to compose said committee.

On motion of Mr. Gray, the bill to be entitled An act, to avoid further confusion in the Land System, was taken up and

On further motion, the bill was referred to the Select Committee just appointed.

On motion of Mr. Dickson, the Resolution regulating the adjournment of the House, was suspended for the day, and

On further motion, the House adjourned, until three o'clock,

P. M.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Brown, Charlton, Clark, Cooke, Cronican, Dickson, Dupree, Durham, Echols, Edwards of San Augustine, Eddy, Gray, Gilliam, Gooch, Holland, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo,

Pease, Perkins, Rayner, Redgate, Rose, Sadler, Stevenson, Smith of Harris, Smith of Rusk, Sublett, Truitt, White and Willie.

A quorum being present, the House proceeded to business.

A bill to be entitled An act, to provide for the enumeration, of the inhabitants of Texas, was taken up

Read a third time and passed.

A bill to be entitled An act, to exempt from liability, any witness, who may fail or refuse to attend any Court, out of the county in which he resides; was taken up and

Read a second time.

On motion of Mr. Branch, the bill was referred to the committee on the Judiciary.

A bill to be entitled An act to allow defendants to plead a *partial failure of consideration*, was taken up and

Read a second time.

On motion, the bill was passed to a third reading.

A bill to be entitled An act, to raise a revenue by direct taxation; was taken up and

Read a third time and passed.

A bill to be entitled An act, to define the boundaries of Robertson county; was taken up

Read a third time and passed.

A bill to be entitled An act, to prescribe the mode of organizing the House of Representatives; was taken up

Read a third time and passed.

Mr. Burroughs, Chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined the following bills, and find the same correctly Enrolled; and, having been signed by the Speaker of the House of Representatives, and the President of the Senate, said bills were this day, presented to his Excellency, the Governor, for his approval:

An act to better define the boundaries of the county of Victoria; and

An act, defining the boundaries of Jackson county.

Report read and accepted.

A bill to be entitled An act, disposing of a portion of the Public Buildings, in the City of Austin; was taken up and

Read a third time.

Mr. White moved, that the bill be indefinitely postponed.

Motion lost.

The yeas and nays were then called, on the final passage of the bill, and stood as follows:

Yeas. Messrs. Speaker, Barry, Branch, Brown, Burroughs, Charlton, Clark, Cronican, Dickson, Durham, Echols, Edwards of San Augustine, Edwards of Nacogdoches, Gilliam, Gooch, Holland, Howard, Keenan, McFarland, Muckleroy, Noble, Pease, Perkins, Rayner, Rose, Russell, Sadler, Savage, Smith of Harris, Sublett and Truitt—31.

Nays. Messrs. Adams, Cooke, Dupree, Gray, Gillett, Irion, Jones, Mabry, McClarty, McCown, McNeill, Miller, Milican, Ogden, Pattillo, Redgate, Stevenson, White and Willie—19.

So the bill was passed.

A bill to be entitled An act, organizing county courts, was taken up—together with the substitute, therefor, offered by the committee on the Judiciary.

Substitute read and adopted.

Mr. Sublett moved, to amend the bill by inserting the following:

Provided, That nothing, herein contained, shall be so construed as to authorize any county, to levy a tax upon any citizen of the State, who may not be a citizen of the county in which such tax may be levied.

Amendment adopted.

Mr. McNeill moved, to amend the bill, by striking out the words—"to appoint patrol."

Amendment rejected.

Mr. Branch moved, to amend the bill, by inserting the words "one half"—after the word "exceed."

Amendment adopted.

Mr. Pease moved, to amend the bill, by inserting the following:

And such tax shall be collected, by the Collector of the State tax, in the same manner as the State tax; and, by him, paid into the County Treasury.

Amendment adopted.

Mr. Sublett moved, that the eighth section of the bill—as amended—be stricken out.

The yeas and nays were called, on the adoption of Mr. Sublett's motion, and stood as follows:

Yeas. Messrs. Brown, Dickson, Eddy, Gillett, Irion, Milican, Pattillo, Russell, Sadler, Smith of Rusk, Sublett, Truitt and Willie—13.

Nays. Messrs. Speaker, Adams, Barry, Branch, Baurland Burroughs, Cazenau, Charlton, Clark, Cronican, Dupree, Durham, Echols, Edwards of Nacogdoches, Gray, Gooch, Holland, Hudson, Jones, Keenan, Mabry, McClarty, McCown, McGr.

loch, McFarland, McNeill, Miller, Muckleroy, Mullens, Noble, Ogden, Pease, Perkins, Perry, Railey, Rayner, Rose, Savage, Stevenson, Smith of Harris, White and Williams—42.

So the motion was rejected.

Mr. Rose moved, to amend the bill, by inserting the following:

Provided, That the power herein conferred, of appointing Patrols, need not be exercised until—and only so far as—the County Court, in their discretion, may deem necessary for the public welfare.

Amendment adopted.

Mr. Pease moved, to amend the bill by striking out the word “plans,” in the seventh section, and inserting in lieu thereof, the word “plan.”

Amendment adopted.

On motion, the bill was then ordered to be engrossed.

A bill to be entitled An act, to prohibit fire-hunting, was taken up and

Read a second time.

On motion of Mr. Stevenson, the bill was laid upon the table.

A bill to be entitled An act, to authorize the opening and constructing of a turnpike road, from the city of Houston, to the town of Brenham; was taken up and

Read a second time.

On motion of Mr. Gray, the bill was referred to the committee on Internal Improvements.

A bill to be entitled An act, regulating elections, was taken up and

Read a second time.

On motion of Mr. Perkins, the bill was referred to the committee on Privileges and elections.

A bill to be entitled An act, to regulate slaves, was taken up and

Read a second time.

On motion of Mr. Milican, the bill was referred to the committee on the Judiciary.

On motion of Mr. Williams, a bill to be entitled An act, to declare the exclusive right of Texas, to all the territory, within the limits of the State, was taken up and

Read a second time.

Mr. Gray moved, to amend the bill by striking out the word “to” and inserting, in lieu thereof, the words “over the soil.”

Amendment adopted.

On motion, the bill was then ordered to be engrossed.

Mr. Willie moved, that the rule of the House—requiring all bills etc., to be read on three several days, be suspended.

Motion carried.

The bill was then read a third time and passed.

Mr. Truitt moved, that the House adjourn, until to-morrow morning nine o'clock.

Motion lost.

A bill to be entitled An act, to organize the General Land Office, was taken up and

Read a second time.

On motion of Mr. Rose, the bill was referred to the Select Committee, to whom was referred a bill to be entitled An act, to organize certain offices subordinate to the General Land Office.

A bill to be entitled, An act, requiring the Commissioner, of the General Land Office, to issue Patents, in certain cases, was taken up and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill to be entitled An act, to prevent Colonial Contractors from disposing of their premium lands, &c., was taken up and

Read a second time.

On motion of Mr. Durham, the bill was referred to the committee on the Judiciary.

A bill to be entitled An act, providing for the election of officers, for the county of Limestone, was taken up and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill to be entitled An act, requiring the county of Limestone, to pay a proportional share of the debt of Robertson county, was taken up and

Read a second time.

On motion, the bill was ordered to be engrossed.

Mr. Stevenson moved, that the rule be suspended, so that a bill to be entitled An act, creating the county of Leon, might be taken up.

Motion lost.

A bill to be entitled An act, to provide for the payment of a part of the debt of Liberty county, by the counties of Polk and Tyler, was taken up and

Read a second time.

On motion of Mr. Branch, the bill was referred to the committee on the Judiciary.

A bill to be entitled An act, to legalize the sale of lots, in the town of Goliad, was taken up and

Read a second time.

On motion of Mr. Williams, the bill was ordered to be Engrossed.

A bill to be entitled An act, to authorize Chief Justices to act, until their successors are appointed, was taken up and

Read a second time.

On motion of Mr. Willie, the bill was ordered to be Engrossed.

A bill to be entitled An act, regulating Juries, was taken up and

Read a second time.

On motion of Mr. McFarland, the bill was made the special order of the day, for to-morrow, at ten o'clock, A. M.

A bill to be entitled An act, regulating Patrols, was taken up and

Read a second time.

On motion of Mr. Irion, the bill was referred to the committee on the Judiciary.

Mr. Gillett, by leave, introduced a bill, to be entitled An act, to authorize the county of Lamar, to levy a tax.

Bill read a first time.

A bill to be entitled An act, to create the county of La Vaca—with the amendments from the Senate—was taken up.

On motion of Mr. McCulloch, the amendments were concurred in by the House.

A bill to be entitled An act, to incorporate the Huntsville Academy—with amendments from the Senate, was taken up.

Amendments read and concurred in.

A bill to be entitled An act, to create the county of Hunt, was taken up and

Read a first time.

Mr. Smith of Harris, moved, that the vote of the House—referring a bill to be entitled An act, regulating Patrols, to the committee on the Judiciary, be re-considered.

Motion carried.

On further motion, the bill was referred to the committee on State Affairs.

A bill to be entitled An act, for the regulation of Patrols, was taken up and

Read a first time.

Mr. Gillett moved, that the House adjourn, until to-morrow morning, nine o'clock.

Motion lost.

On motion of Mr. Branch, the House adjourned until to-morrow, nine o'clock, A. M.

HOUSE OF REPRESENTATIVES,
CITY OF AUSTIN, WEDNESDAY,
April 1st 1846. }

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Branch, Charlton, Clark, Cooke, Cronican, Dickson, Dupree, Durham, Echols, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Hudson, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Perkins, Perry, Rayner, Rose, Sadler, Savage, Smith of Harris, Smith of Rusk, Sublett, Truitt, White and Willie.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Gooch presented the petition of George F. Lawton—accompanied with a bill, for his (Lawton's) relief.

Petition and bill read and

On motion, referred to the committee on Public Lands.

Mr. Gray, chairman of the committee on the Judiciary, made the following report:

COMMITTEE ROOM, }
March 31st 1846. }

*To the Honorable the Speaker
of the House of Representatives:*

The committee on the Judiciary, to whom was referred a bill to be entitled An act, to protect religious denominations, while holding public and protracted meetings; and a bill, to be entitled An act, to protect religious denominations, in the peaceable enjoyment of their own mode of divine worship—which

originated in the Senate—have considered the same, and instruct me to report the accompanying substitute therefor; to be entitled An act, to protect religious meetings. The passage of which, is respectfully recommended.

[Signed]

P. W. GRAY,

Chairman.

Report, bills and substitute received, and laid upon the table, to come up with the orders of the day.

Mr. Gray, chairman of the committee on the Judiciary, also made the following report:

COMMITTEE ROOM, }
March 31st 1846. }

*To the Honorable the Speaker
of the House of Representatives :*

The committee on the Judiciary have considered the following bills:

A bill to be entitled An act, to extend the jurisdiction of Justices of the Peace, over cases of assault and battery.

A bill to be entitled An act, extending certain privileges to Justices of the Peace.

A bill to be entitled An act, defining *stays*, in Justices' Court; and

A bill to be entitled An act, to define the jurisdiction of Justices' Courts, in civil cases.

I am instructed by the committee, to report, that the subjects referred to, in all these bills, are fully provided for in the bill, to be entitled, An act organizing Justices' Courts, and defining the powers and duties of the same; which was reported a few days since.

They, therefore, recommend that these bills be laid upon the table.

(Signed)

P. W. GRAY,

Chairman.

Report and bills received and laid upon the table, to come up with the orders of the day.

Mr. Gray, chairman of the committee on the Judiciary, made the following report:

COMMITTEE ROOM, }
March 31st 1846. }

*To the Honorable Speaker
of the House of Representatives :*

The committee on the Judiciary, to whom was referred a

bill to be entitled *An act, for the relief of Master Builders and Mechanics, of Texas*, have had the same under consideration, and have instructed me to report that a law with provisions almost exactly similar to those proposed in said bill, was passed by the third Congress; and can be found in the laws of that Congress—page 66.

They, therefore, consider further action, on this bill, unnecessary; and recommend that it be laid upon the table.

(Signed)

P W. GRAY,

Chairman.

Report and bill received, and laid upon the table, to come up with the orders of the day.

Mr. Clark, chairman of the committee on State Affairs, made the following report:

COMMITTEE ROOM, }
April. 1st 1846. }

To the Honorable W. E. Crump,

Speaker of the House of Representatives ;

The committee on State Affairs have considered a bill, to be entitled *An act, to prohibit free negroes from settling in this State South of latitude, thirty-six degrees, thirty minutes.*

The committee have amended the bill, by striking out the word; "on," between the words "that" and "conviction," in the first line of the third section, and inserting in lieu thereof, the word "upon." Also, by striking out all after the word "negro," in the second line of the same section, to the word "for," in the third line, and inserting the words, "in the District Court."

Also, by inserting, between the words, "sold" and "into," in the last line of the same section, the words "by the Sheriff of the proper county."

With these amendments, they return said bill to the House, and recommend its passage—believing that such a law is essential to the peace and happiness of the State.

[Signed]

E. CLARK,

Chairman.

Report bill and amendments received, and laid upon the table, to come up with the orders of the day.

Mr. Keenan, Chairman of the committee on Education, made the following report:

COMMITTEE ROOM, }
March 31st 1846. }

*To the Honorable W. E. Crump,
Speaker of the House of Representatives :*

The committee, to whom was referred a bill, to be entitled An act, to amend the eighth and eleventh sections of an act, to incorporate Herman's University—approved, January twenty-seventh, eighteen hundred and forty-four—have had the same under consideration; and, having found nothing in it, contrary to the provisions of the Constitution, instruct me to report the bill back to the House, and to recommend its passage.

[Signed]

C. G. KEENAN,
Chairman.

Report and bill received, and laid upon the table, to come up with the orders of the day.

Mr. Irion, chairman of the committee on County Boundaries, made the following report:

APRIL 1st 1846.

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The committee on County Boundaries have had under examination, the bills creating the counties of *New Durham* and *Buncombe*; and beg leave to report them back to the House, and recommend that they lie upon the table, without further consideration.

The memorial of E. L. R. Wheelock—a citizen of Robertson county—praying the Legislature, either to cut off a strip of country, along the whole southern line of Robertson county—one league in width—and attach it to the county of Brazos; or, if they find it incompatible with the interest of the county, so to do, to *at least* strike off his own individual head-right league of land, from Robertson, and make it a part of Brazos county—has also been before the committee, and received its most mature deliberation; and the committee have *unanimously* instructed me to say, that, however much the memorialist, (for the wrongs inflicted upon him,) needs the pity and condolence of his fellow-citizens; and, how much soever, he may deserve from the country, for his *stern and inflexible course*, and *requent participancy in the struggles—defending the frontier*; and, however much the *lands and praises* of the world should be given to him, for his *large and munificent* donations for edu-

cational purposes—still, the committee are of opinion, that it is *inexpedient*, at the present, to grant the prayer of the memorialist; but hope that, for the services rendered, and the donations given, the memorialist will receive a *compensation*, in the *high approbation of his fellow-citizens*, equal, in measure, and as lasting in their memories, as the gifts were bestowed through *disinterested, meritorious and patriotic motives*.

The committee would further, most respectfully suggest, that, if the *name* and the *people* of Robertson county, are so obnoxious to the memorialist; and, if he has so much good *fellow feeling* for the citizens of Brazos county—that he *remove* from the *former*, and settle himself permanently and *forever* in the *latter* county.

All of which, is most respectfully submitted.

[Signed]

VAN R. IRION,
Chairman.

Report read and adopted.

Mr. Willie introduced a bill, to be entitled An act, to regulate the establishment of county seats, by the people.

Bill read a first time.

Mr. Rose introduced a bill, to be entitled An act, to raise a Jury fund.

Bill read a first time.

On motion of Mr. Mabry, the House proceeded to take up the

ORDERS OF THE DAY.

Mr. Bourland moved, a reconsideration of the vote, taken on previous day, on the engrossment of a bill, to be entitled An act, defining the duties of County Courts.

The yeas and nays were called, on the adoption of Mr. Bourland's motion, and stood as follows:

Yeas. Messrs. Bourland, Brown, Burroughs, Cazenau, Dickson, Durham, Dupree, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gillett, Gooch, Irion, Jones, Keenan, Mabry, McClarty, McNeill, Noble, Ogden, Pattillo, Perkins, Railey, Rayner, Redgate, Russell, Ryburn, Sadler, Truitt and Willie—34.

Nays. Messrs. Speaker, Adams, Barry, Charlton, Clark, Cooke, Erath, Gilliam, Holland, McCown, McCulloch, McFarland, Miller, Milican, Muckleroy, Pease, Rose, Savage, Smith of Harris, and White—20.

So the vote was reconsidered.

On motion, the bill was laid upon the table, until to-morrow, ten o'clock, A. M.

A message was received from the Senate, informing the House of the passage of the following bills, by that body:

A bill to be entitled An act, defining the mode of conveying property, in which the wife has an interest.

A bill to be entitled An act, requiring County Surveyors to record certain field-notes.

A bill to be entitled An act, to incorporate Lamar Academy, in the county of Lamar.

A bill to be entitled An act, to incorporate Duval Academy, in the county of Fannin.

A bill to be entitled An act, to authorize the settlement of disputes, by conciliation or arbitration.

A bill to be entitled An act, to legalize the marriage of Samuel M. Parry with Elizabeth Neise, and

A bill to be entitled An act, to incorporate the Grand Lodge of the Independent Order of Odd Fellows—with amendments.

The Senate also requested, that the committee on Claims and Accounts, on the part of the House act with a like committee on the part of the Senate, upon the memorial of George W. Terrell.

On motion of Mr. Brown, Mr. Branch was added to the committee on Privileges and Elections.

On motion of Mr. Perkins, Mr. Bourland was added to the Select Land Office Committee.

A bill to be entitled An act, regulating Juries, having been made the Special Order of the day, for to-day, at ten o'clock, A. M., was taken up—together with the report of the Select Committee thereon.

Report read and adopted.

Mr. McNeill moved, that the bill be engrossed.

Mr. Rose moved, to amend the bill, by inserting the word "practising," before the word "Physician."

Amendment adopted.

Mr. White moved, to amend, by striking out, all persons exempted from serving on Juries, in the first section of the bill.

Amendment rejected.

Mr. Brown called for the previous question—which was the engrossment of the bill.

The sense of the House was then taken, on Mr. McNeill's motion, for the engrossment of the bill and

The bill was ordered to be engrossed.

A bill to be entitled An act, to create the county of Hunt, was taken up and

Read a second time.

On motion of Mr. McFarland, the bill was referred to the committee on County Boundaries.

A bill to be entitled An act, creating the county of Limestone, was taken up

Read a third time and passed.

A bill to be entitled An act, to establish the limits of San Patricio county, was taken up

Read a third time and passed.

A bill to be entitled An act, to allow defendants, to plead *a partial failure of consideration*, was taken up

Read a third time and passed.

A bill to be entitled An act, to regulate Pilots, was taken up and

Read a second time.

On motion, the bill was referred to the committee on State Affairs.

By leave, Mr. Gray made the following report:

To the Honorable, the Speaker

of the House of Representatives :

The committee on the Judiciary, to whom was referred a bill, to be entitled An act, to provide for the change of venue, in civil and criminal cases, have had the same under consideration, and instruct me to report the following amendments thereto:

First. Add to the second section, and in case any applicant for a change of venue, shall set forth in his petition aforesaid, that he cannot procure persons to come forward, voluntarily, to testify in support of his petition; but that he has reasons to believe that there are persons in the county, knowing the facts—then the Judge shall make an order, that the Clerk issue subpoenas for such persons in the county as the applicant may name; requiring them to appear as witnesses in that behalf.

Second. In the third line of the third section, after the words "nearest county," insert the words "seat of some county."

Third. In the fourth, fifth and sixth lines of the third section, strike out the words "but should no other county, within the district, be free from such objections—then the Judge order a change of venue to the nearest county, out of the district, free from said objection."

Fourth. In the first line of the fourth section, strike out the words "defendant, or the," and at the end of the section, add the following: "And in criminal cases, not capital, the defendant shall have a change of venue, under the same rules, requisitions and restrictions. And in capital cases, when the defendant shall make affidavit, in open court, that he believes he cannot have an impartial trial, in the county where the indictment is found; the Judge shall order a change of venue, to the nearest county seat of some county in the district, that is free from the like objections. And if no county in the district, is free from such objections, then to the nearest county seat, of some county out of the district, which is so free.

Fifth. In the third line of the fifth section, after the words "nearest county," insert the word, "seat."

With these amendments, a majority of the committee instruct me to recommend the passage of the bill.

A minority of the committee, consisting of the chairman and Messrs, Pease, Burroughs and Willie, dissent from the report of the whole bill.

[Signed]

P. W. GRAY,
Chairman.

Report, bill and amendments received, and laid upon the table, to come up with the orders of the day.

A bill to be entitled An act, defining the limits of Nacogdoches county, was taken up and

Read a second time.

On motion of Mr. Brown, the bill was ordered to be Engrossed.

A Joint Resolution, requiring the Governor to reside at the seat of Government, was taken up and

Read a second time.

On motion of Mr. Cazenau, the Joint Resolution was referred to the committee on State Affairs.

A bill to be entitled An act, creating the county of Smith, was taken up—with the amendments offered by the committee on County Boundaries.

Amendments read and adopted, and the bill read a third time and passed.

A bill to be entitled An act, creating the county of Navarro—was taken up—with the amendments offered by the committee on County Boundaries.

Amendments read and adopted, and

On motion, the bill was ordered to be Engrossed.

Mr. Perkins introduced a Resolution, prohibiting the intro-

duction of any business, of a local or individual nature, after the tenth of April, instant.

Resolution read and laid upon the table, one day, for consideration.

A bill to be entitled An act, to create the county of Titus, was taken up.

On motion of Mr. Barry, the bill was made the special order of the day, for Saturday next.

A bill to be entitled An act, to create the county of Cherokee, was taken up—with the amendments offered by the committee on County Boundaries.

Amendments read and adopted, and the bill read a third time and passed.

On motion of Mr. Gilliam, Mr. Ryburn was added to the committee, appointed to investigate the claims of Captain John C. Hays.

A bill to be entitled An act, authorizing Lamar county, to levy and collect a county tax, was taken up and

Read a second time.

On motion of Mr. Bourland, the bill was laid upon the table.

On motion of Mr. Erath, Mr. Cooke was added to the committee on Public Lands.

A bill to be entitled An act, providing for the election of officers, in Dallas county, was taken up.

On motion of Mr. Branch, the bill was laid upon the table, without reading.

A bill to be entitled An act, establishing the county seat of Limestone county, was taken up and

Read a second time.

On motion of Mr. Cooke, the bill was ordered to be engrossed.

A bill to be entitled An act, establishing the county seat of Dallas county, was taken up and

Read a second time.

On motion of Mr. Brown, the bill was ordered to be engrossed.

A bill to be entitled An act, to establish the county seat of Montgomery county, was taken up and

Read a second time.

Mr. McNeill moved to amend the bill, by striking out "two thirds," and inserting, "majority," in lieu thereof.

On motion of Mr. Dickson, the bill and amendment, were referred to the committee on County Boundaries.

A bill to be entitled An act, fixing the Representation of the State, was taken up and

Read a second time.

On motion of Mr. Rayner, the bill was referred to the committee on State Affairs.

A bill to be entitled An act, organizing Justices' Courts—with the amendments offered by the committee on the Judiciary—was taken up.

On motion, all but the sixth amendment, were adopted.

Mr. Willie moved, that the rule, requiring the House to meet at nine o'clock, A. M., and adjourn at half past three o'clock, P. M., be suspended.

Motion lost.

By leave, Mr. Howard, chairman of the committee, appointed to enquire into the expediency of ceding the vacant territory of the State of Texas, to the United States, made the following report:

REPORT, &c.

COMMITTEE ROOM, March 1, 1846.

The committee to whom was referred the resolution of the House to enquire into the expediency of ceding the Public Lands to the United States for a just equivalent, for the purpose of providing means of discharge the Public Debt, and to enquire into the propriety of classifying and defining the debt, and of organizing a Board to ascertain and adjudicate upon the same, having considered each proposition, present the following report:

1. As to the propriety of the cession of the Public Lands to the Government of the United States, it will not be denied, that it is a subject of great public importance, both to Texas and the Government of the United States.

It is now more than ten years since Texas achieved and established her independence by a successful revolution. When she was driven into that revolution by the oppression of the Mexican Government, her population was extremely small, scattered over a widely extended territory, with little wealth, few sources of taxation, and as a consequence, but illy able to procure the necessary pecuniary means to support a Government, and sustain the military operations which the defence of the country demanded. The military service of the country, diverting so large a portion of the population from the industrial avocations of life, rendered it impossible for the Government to draw any adequate revenues from its own population. In this condition of things, many of the ardent friends of Texian Independence; at home and abroad, stepped forward and advanced their money for the relief of the urgent wants of the country, at a time when doubt hung over the result of the contest.

Texas came triumphantly out of the struggle, with less loss of blood and treasure than has ever attended a revolution of as much magnitude recorded in the annals of history, but yet it has entailed upon her a considerable debt, which is strongly recommended to our sense of justice and honor for the earliest practicable payment. Your committee are confident the people of Texas feel keenly the weight of this obligation, and are anxious to meet it, although most revolutionary Governments have been singularly disregarding of debts contracted under similar circumstances. Unfortunately, however, for Texas, owing to the peculiar condition of her past public affairs, her population has not increased with the rapidity which might have been anticipated from the salubrity of her climate and the fertility of her soil. Her resources and ability for raising revenue from direct taxation, cannot for many years to come exceed the urgent and indispensable wants of her domestic administration. Nor can it be denied, that annexation, however important and advantageous to this country in other respects, has, by destroying the revenue arising from Customs, taken from us a growing source of revenue which might in a short time have afforded efficient means of providing for the public creditors. However strong, therefore, may be the desire of the country to provide for its creditors, it has no ability of doing so, except through the means of the public lands.—They can be made available for that purpose only by ceding them to the Government of the United States, in such a manner as to realize the money, or cash securities; or by making them the basis of Land Scrip, to be located and surveyed by

the public creditor at his own expense. For many reasons, your committee think the former course will prove the most advantageous, both for the Government of the United States and the people of Texas. The committee are not unmindful, that the present vacant public domain, amounting to one hundred and eighty millions of acres, under skilful management and wise legislation, could not fail to be of ultimate uncalculable pecuniary advantage to Texas, if she had the means to grapple with the undertaking, and provide for her public necessities; but the subject is surrounded with political and other considerations, which preclude an exclusive regard to ulterior pecuniary profit. The public lands of Texas, cannot be surveyed and sectionized at an expense much short of half a million of dollars, and it will only be after a lapse of many years, and the accumulation of much wealth in the country from emigration, that sufficient revenues from direct taxation will be created to enable Texas to sustain the expense of even surveying her public lands, without which they could not be sold to any advantage by the State Government. If the Government of Texas were at this time to undertake a general system of surveys of her boundless public lands, the expense attending on the necessity of protecting the surveyors from hostile Indians, would doubtless exceed the above estimate, whereas the United States, by the extension of her military posts, and her Indian policy, together with her admirable land system, would in a short time at a moderate expense, bring these lands into market, and open them to the vast tide of emigration already beginning to pour into this country.

Your committee, therefore, are led to conclude that, as the State cannot sustain the expense of the survey of her lands, and the interest on her public debts would be accumulating greatly from the large interest payable on the face of her securities, that if the United States should not purchase the public lands, as they are pledged for the payment of the public debt, it would be consonant with both sound policy and good faith, that as soon as that fact is ascertained, the public creditors, at a moderate price to cover the expense of location and survey, should be called upon to exchange their securities and evidences of debt for Land Scrip, as the only means which the State would have to pay her public debt. And although such a measure would fall far short of the wish of Texas to protect her creditors, and would doubtless occasion much injustice and suffering in many instances, yet she would appeal to the civilized world, that she had performed all in her power to redee

her public engagements, and maintain her national faith.—Your committee cannot, however; bring themselves to believe, that the statesmen at Washington will fail to perceive the obvious national advantage of purchasing the public domain of Texas.

Without the sole ownership of these vacant lands, it will be impossible for the Federal Government to obtain and secure that control over the Indian tribes within our borders, which her wisdom and humane policy have ever dictated. If the country is to be explored and surveyed by private enterprize, there will be an entire want of all responsibility and systematic action. Collisions will constantly take place between private parties of surveyors and the roving tribes of Indians; and as the tide of emigration advances, bloodshed will occur, and wars be engendered, which will have to be closed by the United States, at an expense five times as great as the price of the lands, which wars, by an undivided empire, the Government of the United States might prevent and suppress.

In the progress of the settlement of Texas, new States will be formed out of her present territory, and it is not improbable that unpleasant controversies will grow out of the division of the public domain, and the apportionment of the public burdens among the new sovereignties, if these lands are left to the disposition of the local governments. It does not require much foresight to perceive, that they will become the apple of discord to the legislation of the country.

If the Government of the United States were to be actuated solely by pecuniary considerations, still your committee conceive, that it would be her interest to acquire our public lands. It is certainly for the manifest benefit of the Federal Government, to have no competitor in the sale of wild lands within any of the States, who will greatly undersell her in the market. If Texas is compelled to issue Land Scrip to her public creditors, it will be thrown in a mass upon the market, and sold at such a low rate, that the public lands of Texas will not cost more than a few cents per acre. When it is recollected that Texas has more than six times the extent of the State of New York, with less waste and untillable land than any other territory of the same scope on the face of the Globe; with a soil unsurpassed fertility, producing almost every variety of produce, from the rich staples of sugar, cotton, rice and tobacco, to the small grains, in an eminent degree, and far surpassing all other countries for grazing; that such is the salubrity of the climate, that the white man in nearly the whole of the

country, may expose himself to labor in the sun with as much guarantee for health as in the Middle States, it cannot be doubted that these cheap lands would destroy the revenue of the Government of the United States, arising from the sale of her public domain.

That the United States would receive a large profit from the purchase and sale of the public lands of Texas, your committee think unquestionable. There is no Indian title to extinguish; for Texas avers and will maintain, that within her limits, the Indians have no fixed abode or residence, as they are all wandering tribes, using the vast tracts lying East of the Rocky Mountains, and stretching from the Red River to the Rio Grande, as mere hunting grounds. Suppose, then, that the cost of purchase and survey to the United States, should be twenty-five millions, and the lands at fifty cents per acre, sold for the sum of ninety millions of dollars, and after extinguishing any stock that might be issued for the purchase by the United States, and the expenses incident to the survey and sale, there was a reservation, that one-half of the nett proceeds should be paid to Texas, and one-half into the Treasury of the United States, it would result that the United States would realize a nett gain of thirty-two and a half millions of dollars.

But if the Government of the United States reaped no advantage beyond the expenses of the enterprize, it would only be fulfilling its high mission to the human race, by preventing savage war and bloodshed, by subduing and fertilizing the wilderness, by anticipating ages, and extending the empire of American civilization and laws over vast regions, the natural opulence of which is now inert, and wasted by the prodigalities of savage life.

The above estimate is independent and exclusive of the alternate sections, which are reserved to this State by the several Colony contracts into which the Republic entered at various times. Should these sections be reserved by the United States, and sold at public auction after the settlements are completed by the contractors, they will produce a sum many times greater than would have been realized from the whole of the territory which they cover, if these contracts had never been entered into, and the country populated under them.

Your committee may be reminded, that a popular objection has been urged to the purchase of the public domain of Texas, on the ground that it would be an assumption of the debt of Texas by the Federal Government.

Texas does not ask the United States to assume her public

debt. She proposes, it is true, with the proceeds of such sale, honestly and faithfully to pay the debt, and pledges herself to that effect; but the two propositions are independent and distinct. Over the last, neither the agency or control of the United States is invoked. Texas will determine what her debt is, and to whom it is due; and the proceeds of the land which she pays it, is the *property* of Texas, and not of the United States, and must pass to the treasury of the former, if no creditor should appear. Indeed, the distinction between the purchase of property, and the assumption of a debt, is too obvious to admit of argument or illustration. Why was not this objection urged when the old States ceded their lands to the Federal Government for a pecuniary consideration? The Government paid the State of Georgia alone, between eight and nine millions in various forms, for her public domain; and it should be recollected, that nearly all these purchases were so encumbered with Indian titles which the Government contracted to extinguish, as nearly to destroy their value as a source of income, to the national treasury, while ours are free in this respect, and will therefore be a source of vast gain.

Texas is soliciting neither gratuity nor boon at the hands of the Federal Government; she has poured out her blood like water, to give an empire to the Union worthy the sword of the Cæsars, but she asks no charity in return. Hard and penurious as were the terms of annexation in the opinion of all Europe, she asks neither abatement nor amelioration of their rigor, but is proud to enroll herself under the banners of the Union.

Your committee dismiss this branch of the subject, by reporting a resolution, devolving on our delegation in Congress the negotiation for the sale of the public domain of Texas to the United States, subject to the ratification of the State Legislature.

2. *The ascertainment and classification of the public debt.* The fact that the debt of Texas was contracted during a revolutionary struggle, constitutes no reason in the opinion of the committee, why we should not pay it in honesty and good faith. They nevertheless think that she should be bound to return to the public creditors only what, according to a just average, they paid for her securities, with the rate of interest stipulated on the bond or other evidence of debt; they have endeavored to place the scheme of classification on the broad basis of paying back with interest to every man, every dollar advanced in her service, or invested on the faith of her securities. They have made as near an approximation to truth and justice, as so complicated a subject was susceptible of; but that there may occ

some cases of individual hardship in carrying out any method of classification they cannot doubt. The largest portion of the debt of Texas is composed of Treasury notes, issued and re-issued in such a manner, that it will be impossible to fix an average that will secure in all cases, the precise amount which the holders paid for them, as they were often put in circulation at one rate, then redeemed and re-issued at another.

The committee report a bill to be entitled, "an act to ascertain and establish the public debt of Texas, and to define how the same is to be paid," and beg leave to append to this report a tabular statement made by the Comptroller, marked B, and the classification of this bill, exhibiting the probable amount of the debt of Texas, under all heads, allowing for unascertained claims and arrearages yet to be ascertained. By this statement, it will appear that the ostensible debt of Texas is about ten millions of dollars, and the equitable amount due, and which ought to be paid according to the classification, is a fraction less than five millions.

3. On the subject of a Board of Commissioners for the ascertainment of the public debt, the committee ask leave to report by bill. Such a measure seems to be obviously demanded by the number and variety of the claims against the late Government, to adjudicate and allow which, they deem a large legislative body in a great degree disqualified. The decisions of the Board, in order to arrive at any practical result, should have the effect of a judgment with the right of appeal to the Supreme Court on questions of law. In cases where the Board neither as a court of law or equity, would have a right to take cognizance of the case, they should report the same, with their opinion, to the Legislature for its action.

The necessity for referring to documents on the files of the public offices, make it essential, that the Board should hold its sessions at the seat of Government, but in order to obviate the expense and delay of compelling small claimants to come to the seat of Government, the committee recommend that on all claims not exceeding one thousand dollars, the claimant be allowed to file his claim before the Judge of Probate of his county, who shall receive the testimony, and report the same with all the papers and his opinion, which shall be filed before the Board as a case for their adjudication.

Your committee have reported such measures as in their estimation are best calculated to do ample justice to the pub-

lic creditors, secure the rights of the State, and preserve the national faith and integrity.

V. E. HOWARD, Chairman.

WM. T. SADLER,

E. MABRY,

WM. L. CAZENEAU,

J. S. NOBLE.

The following is the resolution referred to in the foregoing Report, in relation to the cession of the public lands to the Government of the United States.

Resolved, That our Delegation in Congress, be requested and authorized forthwith to open a negotiation with the Government of the United States, in such forms they may think fit, for the cession of the public lands of Texas to the United States, for an adequate consideration, to enable Texas to pay her public debt; any negotiation to be subject to the ratification of the Legislature of the State of Texas, according to the ordinary forms of legislation.

COMPTROLLER'S OFFICE,
Austin, 28th March 1846. }

To the Honorable Volney E. Howard, Chairman of a Select Committee of the House of Representatives:

SIR,—In compliance with your request, I accompany this with a statement of the several classes of debts incurred by the Republic of Texas.

My estimate of what I have termed the domestic debt, is made from the records of different Treasury offices, except the portion of it incurred under the General Council in 1835 and 1836, which last is taken from the published proceedings of that body; and both may be relied on as being generally correct.

I have estimated from the best data I can obtain, the amount of outstanding claims which have not been regularly audited, and am convinced that I have made ample allowance for the same. In this class, I have included the claim of L. S. Hargous of Vera Cruz, for funds advanced to Texian Prisoners, without security, and, so far as I can judge, without any motive save benevolence; which claim, though not audited, was recognized by the extra session of the last Congress of the Republic.

In making this statement, I have left out the Treasury Drafts issued under the Exchequer system, as they have all been re-

deemed in specie, except a few which can be paid on presentation. I have also left out the small amount of Exchequer Bills now in circulation, as they will be received in payment of the revenue now due.

I have classified the several issues according to the average rate at which each has been available to the Government, partly from what data I could derive from the records of the Government, and partly from my own knowledge of the claims. It is impossible to ascertain from the date of their original issue, what they were worth when last paid out; for a bill may have been first issued in 1837 when at par, and, after returning to the Treasury, have been re-issued the year following when worth seventy-five cents on the dollar, and so on till 1841, when it may have been paid out for the last time at one-sixth of its ostensible value. I have therefore assigned to each class an average rate of equivalent value, except those which from their character ought to be rated at par.

The stock bonds issued to Swartwout and others, for money actually advanced to the Government during the early part of the revolution, as also those issued in redemption of Land Scrip at the same rates at which it was sold by the Government for cash or its equivalent, ought both I think, in justice, to be redeemed at par, and I have estimated them accordingly in the statement.

The amount claimed by Mr. Frederick Dawson and Mr. Jas. Holtord and associates, as the value of naval vessels furnished by them, was originally, by the former 280,000, and by the latter 90,014 dollars and 84 cents; but, owing to the failure of the Government to meet the demand at maturity, double that sum in ten per cent. bonds was issued, according to previous agreement, to cover the debt; and in the statement, I have set down the whole amount of those bonds, leaving it for the Legislature to determine in what manner, and at what rates they shall be redeemed.

The consolidated fund bearing ten per cent. interest, and created by an Act of June 7th, 1837, could it be analyzed, would be subject to the greatest variety of equivalent rates, and hence it is more difficult to average them in this than in any other fund. In it were invested large amounts of liabilities which the Government had issued to the investors as of par value, and had expected to redeem accordingly. Other investments were made in it of claims which had been bought at a discount, and on speculation, but all equally under the firm belief that the bonds of the fund would eventually be redeemed at their ostensible value, which was not the case in the

investments of other Texian stocks. I have consequently rated it higher than the other depreciated debts, considering it entitled to more consideration, as its issues have directly and indirectly been available to the Government for a greater pro rata amount than any other. It is also more generally in the hands of the original funders, and has been less subject to speculation in consequence of its being transferable only on the books of the Stock office.

Next in value, I consider the ten per cent. stock created by an Act of February 5th, 1840, for the redemption of promissory notes. The holders of those notes, by investing in this fund, surrendered a currency which they could use for revenue purposes, and received one which they could not, under the assurance that the interest on the latter would be paid. The amount of revenue currency thus drawn from the market, had a natural tendency to sustain the value of what was left in circulation; and the promissory notes would doubtless have depreciated more rapidly had it not been for this circumstance. As the interest failed to be paid after the investor had relinquished for it the uses of a revenue currency which his investment aided in upholding, I consider the bonds of this fund entitled to a higher value than promissory notes.

The value I have assigned to promissory notes, is estimated on the same plan as other liabilities according to the average of what they yielded to the Government. The first issue made in the fall of 1837, and the spring of 1838, was of \$650,000, and passed from the Treasury at par. They soon commenced depreciating, and went gradually down, so that in 1841, the Government was compelled to pay them out at from 12 to 15 cents on the dollar. I think the rate which I have given them in the Statement, is equitable as an average both to the Government and to the holder. As the 8 per cent. bonds were mainly on the same footing as promissory notes, I have included them under the same rate.

I have calculated the interest on those liabilities which were issued as being subject to it, according to their tenor, from and after the last payment of interest.

Although the larger portion of the Promissory Notes in circulation were not issued to pay interest, I have on the grounds of equity, allowed on them five per cent. per annum, from the time when they ceased to be taken for imposts. As they were issued on the credit of the Revenue, for which they were to be received, and thus acquired a higher value than they could

have done without that pledge of redemption, they are, as I conceive, justly entitled to interest since that pledge was withdrawn, which was on the first of February, 1842.

As cases may on examination make their appearance, in which the average value allotted to depreciated liabilities will bear with onerous weight on particular holders, it would perhaps be well to authorize the proposed auditorial board to recommend such cases to the future consideration of the Legislature.

Submitting the above remarks with the Statement to which they refer, to your examination,

I have the honor to be, very respectfully,

Yours,

JAMES B. SHAW,
Comptroller.

S T A T E M E N T

Of the Public Debt of the Republic of Texas.

AUDITED DRAFTS.

Amount of Audited Drafts issued by the Auditorial Departments, from the organization of the Government to the 19th day of February, 1846, exclusive of those issued under the exchequer system,	-	-	-	\$7,553,651	10
Am't Drafts issued by authority of the General Council, in the years 1835 and 1836,	-	-	-	6,980	06
“ of Stock issued to Sam'l Swartwout and others, by authority of a special act of Congress	-	-	-	13,948	32
“ of Stock issued in redemption of Land Scrip,	-	-	-	66,400	00
					7,640,979 48
From the above, deduct the following:					
Am't paid by the Treasurer,	-	-	-	5,985,131	21
“ “ into the Treasury, received in collection of the revenue, and cancelled,	-	-	-	489,804	76
Am't paid into the Treasury, received in collection of the revenue, and destroyed,	-	-	-	122,037	88
Am't invested in the Ten per cent. consolidated Stock created by act of June 7th, 1837,	-	-	-	837,500	00
Am't invested in the Ten per cent. Stock, created by act of February 5th, 1840,	-	-	-	45,600	00
Am't at present in the Treasury,	-	-	-	4,000	00
					7,484,073 85
Balance of Audited Drafts in circulation,	-	-	-		\$ 156,905 63

STATEMENT, &c.

PROMISSORY NOTES.

Am't issued at different times, and deposited with the Treasurer for disbursement,	4,599,809 53	
Am't of Change notes issued at different times, and deposited with the Treasurer for disbursement,	118,130 00	
		4,717,939 53
From the above deduct the following:		
Am't redeemed by Treasurer and cancelled,	772,439 00	
“ invested in the ten per cent. Stock created by act of February 5th, 1840,	772,800 00	
Am't invested in the eight per cent. Stock created by same act,	22,800 00	
“ received in collection of the revenue, and destroyed,	351,447 91	
“ due by collecting officers, which is considered available,	115,000 00	
“ at present in the Treasury,	9,005 52	2,043,492 43
Balance of Promissory Notes in circulation		\$2,674,447 10

EIGHT PER CENT. BONDS.

Am't issued, of this description of liabilities,	849,900 00	
		849,900 00
From the above deduct the following:		
Am't received in payment of the revenue, and destroyed,	38,700 00	
“ at present in the Treasury,	200 00	38,900 00
Balance of eight per cent. Bonds in circulation,		\$811,000 00

STATEMENT, &c.

FUNDED DEBT.

Am't issued on the ten per cent. Consolidated Fund, in redemption of audited paper, under authority of an act approved June 7th, 1837,	757,150 68	
Less amount which has been redeemed by issuing Land Scrip, and destroyed,	1,500 00	
	755,651 68	
Am't issued to Sam'l Swartwout, and others, of the above description of liabilities, in payment of claims held by them,	13,948 32	
Am't, also, of the above description of debt issued in liquidation of Land Scrip,	66,400 00	
		836,000 00
Am't issued, of the ten per cent. Stock, in redemption of Promissory Notes, under authority of an act approved February 5th, 1840,	772,800 00	
Less amount redeemed by issuing Land Scrip in lieu thereof,	1,400 00	
Outstanding of this fund,		771,400 00
Am't issued, of the ten per cent. Stock, for the redemption of Audited Drafts, under authority of an act approved February 5th, 1840,		45,600 00
Am't issued, of the eight per cent. Stock, for the redemption of Promissory Notes, by authority of the above mentioned act,		22,800 00
Balance of the Funded Debt outstanding,		\$1,675,800 00

STATEMENT, &c.

INTEREST ON LIABILITIES.

Am't of interest due on the eight per cent. Bonds, to the 1st January, 1846,	339,960 00	
Less interest due on amount redeemed and destroyed,	15,560 00	
		324,400 00
Am't of interest on the ten per cent. Stock of June 7th, 1837, to the 30th March, 1846,	519,190 00	
Less due on the amount redeemed and destroyed,	825 00	
		518,365 00
Am't of interest on the ten per cent. Stock of February 5th, 1840, to the 15th December, 1845,	425,040 00	
Less, due on amount redeemed and destroyed,	770 00	
		424,270 00
Am't of interest on the ten per cent. Stock of February 5th, 1840, for the redemption of audited paper, to the 1st March, 1846,		25,080 00
Am't of interest on the eight per cent. Stock of February 5th, 1840, for the redemption of Promissory Notes, to the 15th April, 1846,		10,032 00
Am't of interest on Promissory Notes subject to an annual interest of ten per cent., to the 1st March, 1846, say \$50,000,		35,833 33
Am't of interest on Promissory Notes in circulation, not bearing interest on their face, (should the Government think proper to allow it) from the 1st of February, 1840, at which time they were prohibited from being received for revenue, to the 1st of March, 1846,—say on \$2,624,447 10 at 5 per cent.,		535,824 59
Total amount of interest on liabilities,		\$1,873,804 92

STATEMENT, &c.

OUTSTANDING CLAIMS.

Probable amount of unliquidated claims due on account of supplies furnished the Navy, pay of officers and men of the same, &c.,	187,000 00	
Probable amount of unliquidated claims due for supplies furnished the Army, pay of officers and soldiers of the same, and other military claims,	450,000 00	
Probable amount of unliquidated claims other than those mentioned above, such as expenses on criminal prosecutions, arrearages due civil officers, &c. &c.,	185,000 00	
Total of probable outstanding claims,	<u>822,000 00</u>	<u>822,000 00</u>

Recapitulation of the above, which may be considered a

DOMESTIC DEBT.

Audited Drafts,	:	:	:	:	:	:	:	:	:	:	:	156,905 63
Promissory Notes,	:	:	:	:	:	:	:	:	:	:	:	2,674,447 10
Eight per cent. Bonds,	:	:	:	:	:	:	:	:	:	:	:	811,000 00
Funded Debt,	:	:	:	:	:	:	:	:	:	:	:	1,675,800 00
Interest on Liabilities,	:	:	:	:	:	:	:	:	:	:	:	1,873,804 92
Outstanding Claims,	:	:	:	:	:	:	:	:	:	:	:	822,000 00
Total	:	:	:	:	:	:	:	:	:	:	:	<u>\$8,013,957 65</u>

STATEMENT, &c.

DEBTS WHICH MAY BE CONSIDERED FOREIGN.

Am't borrowed from the Bank of the United States, for which Sterling Bonds to the amount of £94,500, bearing ten per cent. interest per annum, which is equal to	400,000 00	
Am't of interest on the above, from the 1st July 1839, to the 1st March, 1846, : : : : : : : : : : :	266,666 66	
		666,666 66
Am't claimed by James Holford and associates, for the purchase of the steamer "Zavalla," being double the original contract, claimed on account of Government failing to pay at maturity, and for which Sterling Bonds to the amount of £40,476 13s were issued, equal to : :	180,029 68	
Am't of interest on the foregoing, from the 1st of July, 1839, to 1st March, 1846, : : : : : : : : : : :	120,019 73	
		300,049 41
Am't claimed by F. Dawson, and others, for the payment of naval vessels, being double the amount of the original contract, owing to the Government failing to pay at maturity, for which two bonds of \$280,000 were issued, : : : : : : : : : : :	560,000 00	
Am't of interest on the above, from 13th November, 1838, (the date of bonds) to the 1st March, 1846, : : : : : : : : : : :	408,333 33	968,333 33
Total of Foreign Debt, : : : : :		\$1,035,049 40

STATEMENT, &c.

RECAPITULATION.

Domestic Debt,	:	:	:	:	:	:	\$8,013,957 65
Foreign " :	:	:	:	:	:	:	1,935,049 40
Total Debt,	:	:	:	:	:	:	\$9,949,007 05

STATEMENT, &c.

Probable average rate at which each Class of the foregoing Liabilities have been available to the Government on a par basis.

FIRST CLASS.

The Debts under this head should be considered as having been available at par.

	Ostensible Face Amount.	Equiv. Value.
Am't due the Bank of the United States, and that claimed by James Hol- ford and F. Dawson, ...	1,935,049 40	1,935,049 40
Am't of Audited Drafts of a par issue, ...	40,000 00	40,000 00
“ the ten per cent. Consolidated Stock issued to Swartwout and others; also, the amount issued in redemption of Land Scrip, including inter- est on same, ...	140,609 55	140,609 55
Am't of outstanding unliquidated Claims, ...	822,000 00	822,000 00

SECOND CLASS.

The Debt under this head should be averaged at 33 1-3 cents on the dollar, having been available at that rate by the Government.

Am't of 10 per cent. Consolidated Fund of June 7th, 1837, in circulation, including interest on the same except the amount issued to Swartwout and others, which is included in the 1st class, ...	1,213,755 45	404,585 15
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THIRD CLASS.

The Debts under this head should be averaged at 30 cents on the dollar, having been available at that rate by the Government.

Am't of ten per cent. Stock created by act of February 5th, 1840, for the redemption of Promissory Notes and Audited Paper, including interest,	1,266,350 00	379,905 00
Also, the eight per cent. Stock created by same act, including interest,	32,832 00	9,849 60

FOURTH CLASS.

Debts under this head should be averaged at 25 cents on the dollar, as having been available at that rate by the Government.

Audited Drafts in circulation, deducting the amount allowed above as a par issue,	116,905 63	29,226 40
Promissory Notes in circulation; including interest,	3,246,105 02	811,526 25
Eight per cent. Bonds in circulation, including interest,	1,135,400 00	283,850 00
	\$9,949,007 05	\$4,856,601 35

Recapitulation of the Equivalent Value of each Class.

First Class,	:	:	:	:	:	:	:	:	:	:	:	:	2,937,658	95
Second "	:	:	:	:	:	:	:	:	:	:	:	:	404,585	15
Third "	:	:	:	:	:	:	:	:	:	:	:	:	389,754	60
Fourth "	:	:	:	:	:	:	:	:	:	:	:	:	1,124,602	65
Total amount of Equivalent Debt,													<u>\$4,856,601 35</u>	

CONTROLLER'S OFFICE, AUSTIN, }
28th March 1846. }

JAMES B. SHAW, Comptroller,

A bill to be entitled An act, to ascertain and establish the public debt of Texas, and to define how the same is to be paid. (Reported by the Select Committee, of which Mr. Howard is Chairman.) was

Read a first time.

A bill to be entitled An act, for the formation and organization of a Board of Commissioners, to examine and audit all claims against the late Republic of Texas—reported by the same committee—was

Read a first time.

On motion of Mr. Gray, five hundred copies of the above report, bills and accompanying documents, were ordered to be printed.

Mr. McCown, by leave introduced a bill, to be entitled An act, fixing the county seat of Harrison county.

Bill read a first time.

In accordance with the established rule, the House adjourned until to-morrow, nine o'clock, A. M.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, THURSDAY, }
April 2, 1846. }

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Branch, Brown, Burroughs, Charlton, Clark, Cooke, Cronican, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Eddy, Erath, Gillett, Gilliam, Holland, Hudson, Irion, Keenan, Mabry, McClarty, McCown, McCulloch, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo, Perkins, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Stevenson, Stewart, Smith of Harris, Sublett, Truitt, White and Willie.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Gray, Chairman of the committee on the Judiciary, made the following report:

*To the Honorable, Speaker
of the House of Representatives :*

The committee on the Judiciary have considered a bill, to be entitled An act, to repeal an act, authorizing the President, to have surveyed a reserve of Land, for the Coshatte and Alabama Indians—approved, January fourteenth, eighteen hundred and forty—which was referred to them, and I am instructed, by the committee to report, that they cannot see the propriety or necessity for the proposed measure.

The Indians, for whose benefit the original act was passed, are two small tribes—innocent and harmless in their character—and, although weak, and now daily decreasing, have, at all times been friendly, and ready to give their aid to the Whites.

The reserve, made by the law, and on which these Indians now live, amounts only to four leagues of land, and includes their improvements. It is their home, and the only resting place they have. The law, making the reserve, also clearly reserves to the State, the exclusive right to the jurisdiction over the soil. The committee can, therefore, perceive no evil resulting from a continuance of the permission to these poor beings, to occupy the lands; but, they think they can see evil arising from the proposed measure, which is virtually, their ejection from their homes.

The committee, therefore, recommend the indefinite postponement of the bill.

(Signed)

P. W. GRAY,
Chairman.

Report read and adopted.

Mr. Gray, chairman of the committee on the Judiciary, also made the following report;

*To the Honorable Speaker
of the House of Representatives :*

The committee on the Judiciary have considered a bill—from the Senate—to be entitled An act, to exempt from liability, any witness, who may fail or refuse to attend, as such, any Court, in a civil suit, out of the county in which he resides; and instruct me to report that, in some cases, it is highly necessary that witnesses should be required to attend, in person; and that it would be inexpedient entirely to deprive a party of the benefit of the verbal testimony of a witness, only because he lives out of the county.

It is sometimes, inconvenient for witnesses to be summoned,

out of their own county, and some limitation ought to be put on the right to require their attendance, in such cases; for which, the committee will endeavor to provide a more general bill.

They, therefore, instruct me to recommend, that the bill be laid upon the table.

[Signed]

P. W. GRAY,
Chairman.

Report read and adopted.

Mr. Gray, chairman of the committee on the Judiciary, also reported as follows:

To the Honorable Speaker

of the House of Representatives :

The committee on the Judiciary, to whom was referred a bill, to be entitled an act, to incorporate the Society of Free Masons, composed of Lodges and Chapters—have considered the same, and, a majority instruct me to report the same back to the House, without amendment, and to recommend its passage.

[Signed]

P. W. GRAY,
Chairman.

Report and bill received, and laid upon the table, to come up with the orders of the day.

Mr. Gray, chairman of the committee on the Judiciary, also made the following report.

To the Honorable the Speaker

of the House of Representatives :

The committee on the Judiciary, to whom was referred a bill—from the Senate—to be entitled An act, to continue in office certain civil and military officers, commissioned under authority of the late Republic of Texas—have considered the same; and instruct me to report, that they believe the provisions of the Constitution are amply sufficient to effect the objects of the bill—so far as most of the officers named, are affected—and that any action, by the Legislature, is unnecessary.

They further report that several of the officers, named in the bill, would by its provisions, be retained in office and entitled to pay, whilst under the laws already they would have little or no duty to perform.

In consideration of which they instruct me to recommend the indefinite postponement of the bill.

[Signed]

P. W. GRAY,
Chairman.

Report read and adopted.

Mr. Gray, chairman of the committee on the Judiciary, also reported as follows:

*To the Honorable Speaker
of the House of Representatives:*

The committee on the Judiciary, to whom was referred a bill, to be entitled An act, to incorporate the town of Bonham, in Fannin County, have considered the same, and instruct me to report the following amendments:

After the enacting clause, in the first section, insert—"That all that tract of Land containing fifty acres and in a square form, which was given, for the purposes of a town, by John C. Simpson and Baily English, and which lies in the county of Fannin, shall be known as the town of Bonham." Also add the following, as an additional section to the bill:

Section eighth. Be it further enacted, That the first election for Intendant and Councilmen, shall be held under the direction of the Chief Justice of the County of Fannin—after having given ten days' notice thereof—and annually, afterwards, under the direction of the Intendant, at least ten days before the expiration of his term of office. And that, in case of the death or resignation of the Intendant, the town Council shall elect one of their own body, to act as Intendant until the next annual election.

With these amendments, the committee recommend the passage of the bill.

P. W. GRAY,
Chairman.

Report, bill and amendments received, and laid upon the table, to come up with the orders of the day.

Mr. Gray, chairman of the committee on the Judiciary, also made the following report:

*To the Honorable Speaker
of the House of Representatives:*

The committee on the Judiciary, to whom was referred a bill, to be entitled An act, to connect Galveston Island with the main land, at Virginia Point—have considered the same, and instruct me to report the following amendment thereto:

In the seventh line of the first section of the bill, strike out the words "twenty-five," and insert in lieu thereof, the word "fifty."

A majority of the committee instruct me to recommend the passage of the bill, with the above amendment.

P. W. GRAY,
Chairman.

Report, bill and amendment received, and laid upon the table, to come up with the orders of the day.

Mr. Rose, from the committee on Finance, made the following report:

To the Honorable W. E. Crump,
Speaker of the House of Representatives :

The Committee on Finance have considered a bill, to be entitled An act, to exempt from taxation, two hundred and fifty dollars worth of the household furniture, or other personal property, belonging to each family in the State; and have instructed me to report the same back to the House, and to recommend its passage—without amendment.

[Signed]

JOHN W. ROSE,
Chairman.

Report and bill received, and laid upon the table, to come up with the orders of the day.

Mr. Russell, chairman of the committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, }
April 2, -1846. }

Honorable W. E. Crump,
Speaker of the House of Representatives :

The committee on Engrossed Bills have examined the following bills etc., and find the same correctly Engrossed:

A bill, to be entitled An act, to provide for fixing the county seat of Justice, for the county of Grimes.

A bill to be entitled An act, to authorize the Commissioner of the General Land Office, to issue a patent to Joseph McGee.

A bill to be entitled An act, for the protection of widows and orphans.

A bill to be entitled An act, to authorize and require the Governor, to cause the Constitution and certain Laws of the State, to be translated into the German Language, and promulgate the same.

A bill to be entitled An act, to establish and define the county of San Patricio.

A bill to be entitled An act, for the relief of James Gilliam assignee of Jesse Billingsly.

A bill to be entitled An act, to require the county of Wharton to pay a portion of the debt of Colorado and Matagorda counties.

A bill to be entitled An act, to provide for the publication of the Laws.

A bill to be entitled An act, for the relief of Isaac Ferguson.

A bill to be entitled An act, organizing County Courts.

A bill to be entitled An act, legalizing the sale of town lots, in the town of Goliad.

A bill to be entitled An act, authorising Chief Justices elected on the second Monday in February last, to continue in office, until their successors are elected.

A bill to be entitled An act, requiring the county of Limestone, to pay one fourth of the debt of Robertson county.

A bill to be entitled An act, to authorize John Henry Brown and Mary M. Brown, to adopt John Henry Brown Stone, as their child and lawful heir.

A bill to be entitled An act, creating the county of Angelina.

A bill to be entitled An act, transferring a part of the debt of Milam county, to Burleson county.

A bill to be entitled An act, authorizing the Governor, to offer rewards for fugitives.

A bill to be entitled An act, establishing the seat of justice of Dallas county.

A bill to be entitled An act, defining the limits of Nacogdoches county.

A bill to be entitled An act, establishing the seat of Justice, of Limestone county.

A bill to be entitled An act, to organize the county of Upshur.

A Joint Resolution, declaring the exclusive right of the State of Texas, to the jurisdiction over the soil included within the limits thereof, and

A Joint Resolution, concerning roads in Robertson County.

[Signed]

A. J. RUSSELL,
Chairman.

Report read and accepted.

Mr. Rose, from the committee on Finance, made the following report:

The committee on Finance, have had under consideration a bill to be entitled An act, to restore lands, sold for taxes, to

their former owners; and have instructed me to report the following amendments to the bill:

First. Insert in the caption after the word "taxes," the words "and bid in by the Government."

Second. In the eighth line of the first section, after the word "Republic," insert the words "or to the State of Texas."

Third. In the last line of the first section, strike out "eighteen hundred and forty-eight," and insert, in lieu thereof, "eighteen hundred and forty-seven."

With these amendments, the committee recommend the passage of the bill.

[Signed].

JOHN W. ROSE,
Chairman.

Report, bill and amendments received, and laid upon the table, to come up with the orders of the day.

Mr. Rose, chairman of the committee on Finance, made a report relative to a bill, to be entitled An act, to provide for raising a revenue for county purposes, and a bill to be entitled An act, to prohibit the various counties from imposing a tax upon their citizens.

[The original being lost, and there being no transcript into the Journal of the second of April, a copy of this report cannot be furnished.]

Mr. Rose, chairman of the committee on Finance, also made the following report:

COMMITTEE ROOM, }
April 2, 1846. }

The committee on Finance, to whom was referred a Joint Resolution, to provide for the destruction of the Exchequer Bills and Promissory Notes, redeemed by the Government, have had the same under consideration; and have instructed me to report the following amendment:

Strike out all, after the enacting clause, down to the word, "and," in the last line, and insert in lieu thereof, the following:

"That it shall be the duty of the Treasurer of the State, to make a full and complete Register of all Promissory Notes, Audited Drafts, Government Bonds, Exchequer Bills and all other Government liabilities, now in the Treasury office: or which may, hereafter, be paid into the Treasury—stating their numbers, dates, amounts, in whose favor drawn and by whom drawn. And it shall be the duty of the Comptroller and Secretary of State, whenever called on by the Secretary of the Treasury, to examine such Register, and compare it with the

liabilities therein registered; and, at every such examination, the said Treasurer, Comptroller and Secretary of State shall burn and destroy all liabilities, so compared—making a certificate thereof upon such Register, and signing their names thereto.

Your committee are of opinion that the object in view, will be more safely and effectually accomplished, in this way, than by requiring the agency of a joint committee of the Legislature; and would, therefore, with this amendment, recommend the passage of the Resolution.

[Signed]

JOHN W. ROSE,
Chairman.

Report, bill and amendment received, and laid upon the table, to come up with the orders of the day.

Mr. Clark, chairman of the committee on State Affairs, made a report, relative to a bill, to be entitled An act, to provide for closing the business of the War Department; which was received, and laid upon the table, to come up with the orders of the day.

[The original of this report cannot be found, and, there being no transcript in the Journal, a copy cannot be furnished.]

Mr. Sadler made the following report:

The committee to whom was referred a bill, to be entitled An act, to establish the county of Cass, have had the same under consideration; and, after investigating the matter, have instructed me to report the bill back to the House, and to recommend the adoption of the amendments, proposed by the committee on County Boundaries.

[Signed]

WM. S. SADLER,
Chairman.

Report read and adopted.

Mr. Cooke introduced a bill, to be entitled An act, for the relief of Wm. A. Byrns.

Bill read a first time.

On motion the House proceeded to take up the

ORDERS OF THE DAY.

A Resolution, fixing the adjournment of the Legislature, was taken up and

Read.

Mr. Clark moved, that the Resolution be laid upon the table, until Monday next.

The yeas and nays were called, on the adoption of Mr. Clark's motion, and stood as follows:

Yeas. Messrs. Adams, Brown, Clark, Cronican, Dupree, Durham, Echols, Erath, Gilliam, Gooch, Hudson, Irion, Mabry, McClarty, McCulloch, McFarland, Miller, Muckleroy, Ogden, Pattillo, Perry, Sadler, Savage, Smith of Harris, Sublett, Truitt and Willie—27.

Nays. Messrs. Speaker, Barry, Branch, Burroughs, Cazenau, Charlton, Cooke, Dickson, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Holland, Howard, Jones, Keenan, McCown, McNeill, Milican, Mullens, Noble, Pease, Perkins, Railey, Rayner, Redgate, Russell, Ryburn, Stevenson, Stewart, Smith of Rusk and White—33.

So the motion was rejected.

Mr. Rose moved, to amend the Resolution, by striking out the word "next," after the word "April."

Amendment adopted.

Mr. Charlton moved, to fill the blank with "twenty-fifth," after the word "April."

Amendment rejected.

Mr. Sadler moved, to fill the blank with "thirtieth," after the word "April."

Amendment rejected.

Mr. Mabry moved, that the Resolution be laid upon the table.

The yeas and nays were called, on the adoption of Mr. Mabry's motion, and stood as follows:

Yeas. Messrs. Adams, Brown, Cazenau, Clark, Dupree, Durham, Echols, Edwards of Nacogdoches, Erath, Gillett, Gilliam, Gooch, Hudson, Irion, Mabry, McClarty, McFarland, Miller, Muckleroy, Ogden, Pattillo, Perry, Redgate, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Rusk, Sublett, Truitt and Willie—32.

Nays. Messrs. Speaker, Barry, Branch, Burroughs, Charlton, Cooke, Cronican, Dickson, Edwards of San Augustine, Eddy, Gray, Holland, Howard, Jones, Keenan, McCown, McCulloch, McNeill, Milican, Mullens, Noble, Pease, Perkins, Railey, Rayner, Rose, Stevenson, Smith of Harris and White—29.

Motion carried, and the resolution laid upon the table.

Mr. Gilliam introduced the following Resolution:

Resolved, That, (with the concurrence of the Senate,) the Legislature will proceed to the dispatch of business, as contemplated by the Constitution; and such other important

subjects, as may be deemed indispensable to the general welfare of the State—and then adjourn *sine die*.

Resolution read and laid upon the table one day for consideration.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined the following bills and find the same correctly Enrolled:

An act to create the county of Wharton.

An act to create the county of Tyler.

An act to locate the county seat of Wharton County; and

An act to enable the Governor to fill vacancies that may hereafter occur.

Said bills, having been signed by the Speaker of the House of Representatives and the President of the Senate *pro. tem*, were this day, presented to his Excellency, the Governor, for his approval.

Report read and accepted.

A bill to be entitled An act to authorize the settlement of suits, by arbitration or conciliation, was taken up and

Read a first time.

A message was received from the Senate informing the House of the passage, by that body, of a bill, to be entitled An act, to authorize the Governor to pay expenses (?) employed to circulate the law providing for the election of Representatives to the Congress of the United States—on which they had suspended all rules; and requested a like suspension on the part of the House.

The House was also informed, that the Senate had concurred in the amendments of the House, to a bill to be entitled An act, creating the county of Collin.

A bill to be entitled An act, to incorporate the Independent Order of Odd Fellows; was taken up—with the amendments thereto, from the Senate.

Amendments read and concurred in.

A bill to be entitled An act, authorizing the Commissioner of the General Land Office, to issue patents on Land Scrip, made in two surveys, was taken up and

Read a second time.

On motion the bill was passed to a third reading.

A bill to be entitled An act, to prohibit individuals from issuing Bills, Checks, Promissory Notes or other paper, to circulate as money, was taken up and

Read a second time.

On motion the bill was passed to a third reading.

A bill to be entitled An act, defining the mode of conveying property, in which the wife has an interest, was taken up and Read a first time.

A bill to be entitled An act, to incorporate the Lamar Academy, in the county of Lamar, was taken up and Read a first time.

A bill to be entitled An act, to require County Surveyors, to record certain field notes, was taken up and Read a first time.

A bill to be entitled An act, to incorporate Duval Academy, in the county of Fannin, was taken up and Read a first time.

A bill to be entitled An act, to make valid the acts of Chief and Associate Justices—while sitting as Boards of Land Commissioners, was taken up—together with the substitute therefor, reported by the committee on Public Lands,

Substitute read and adopted.

Mr. Branch moved, to amend the bill, by inserting, after the word "Chief Justice," the words "or Chief Justices."

Amendment adopted.

On motion, the bill was then ordered to be Engrossed.

On motion of Mr. White, a call of the House was made.

Mr. Dupree moved, that a further call of the House be suspended.

Motion lost.

The Sergeant-at-Arms was dispatched after absent members.

After a brief absence, the Sergeant-at-arms returned with Messrs. Barry, Cronican, Charlton, Gilliam, Gillett, Railey, Milican and Sublett.

The Clerk then reported a quorum present.

On motion of Mr. Rose, the House took a recess of half an hour.

The recess having expired, the House met.

The roll was called, and a quorum being present, the House proceeded to business.

A bill to be entitled An act, defining the amounts that may be sued on, in Justices' Courts, was taken up and

Read a second time.

On motion of Mr. Rose, the bill was laid upon the table.

A bill to be entitled An act, extending certain privileges to Justice of the Peace, was taken up and

Read a second time.

On motion of Mr. Barry, the bill was laid upon the table.

A bill to be entitled An act, extending the jurisdiction of Justices of the Peace, over cases of Assault and Battery, was taken up and

Read a second time.

On motion of Mr. Brown, the bill was laid upon the table.

A bill to be entitled An act, to protect religious meetings, was taken up and

Read a second time.

Mr. Rose moved, to amend the bill by inserting, after the word "Church," the words "Mosque, Synagogue or Temple."

Amendment adopted.

Mr. Sadler moved, that, that part of the bill, requiring the Judges to give the provisions of the law, in charge to the Grand Jury, be stricken out.

Amendment adopted.

A bill to be entitled An act, to provide for the change of venue, in civil and criminal cases, was taken up—together with the amendments, offered by the committee on the Judiciary.

On motion of Mr. Willie, the bill was made the special order of the day, for Monday next, ten o'clock, A. M.

Mr. Stewart moved, that the bill, to be entitled An act, prescribing further duties of County Courts, be taken up.

Motion lost.

A bill to be entitled An act, to amend the eighth and eleventh sections of An act, incorporating Herman's University, was taken up and

Read a second time.

On motion, the bill was passed to a third reading.

A bill to be entitled An act, to provide for raising a Jury Fund, was taken up and

Read a second time.

Mr. Pease moved, to amend the bill, by inserting the words "or Sheriff."

Amendment adopted.

Mr. Sadler moved, that the bill be referred to the committee on the Judiciary.

Motion lost.

Mr. Rayner moved, that the bill be referred to the committee on Education.

Motion lost.

Mr. Stewart offered the following, as an additional section:
Section——. That all county taxes, due and unpaid, upon

cases heretofore instituted in the District Courts, be paid over, when collected, to the Treasurer of the county, for the payment of Juries.

Amendment rejected.

Mr. Howard offered the following, as an amendment to the bill:

"If the plaintiff gives security for the cost, the jury tax need not be paid in advance; but shall abide the result of the suit."

Amendment rejected.

Mr. Williams moved, that the bill be indefinitely postponed. Motion lost.

Mr. White moved, that the bill be laid upon the table, until Tuesday next at eleven o'clock, A. M.

Motion lost.

Mr. Pease moved, to amend the bill, by inserting the words, "or fines," after the "tax," wherever its occurs.

Amendment adopted.

Mr. Gray moved, to amend the bill, by striking out the word, "District," before the word "Attorney," and inserting, in lieu thereof, the word, "County."

Amendment adopted.

Mr. Gooch moved, to strike out the words, "except the State."

Amendment rejected.

Mr. Howard moved, that the bill be made the special order of the day, for Monday next.

Motion carried.

A bill to be entitled An act, regulating the establishment of County Seats, by the people, was taken up and

Read a second time.

On motion of Mr. Willie, the bill was referred to the committee on County Boundaries.

A bill to be entitled An act, to settle the conflicting rights between the counties of Victoria, La Vaca, De Witt, Jackson and Calhoun—was taken up and

Read a second time.

Mr. Rose moved, to amend the bill, by striking out "first of April," and inserting in lieu thereof, "first of May."

Amendment adopted.

Mr. Howard moved, that the bill be indefinitely postponed.

Motion lost.

Mr. Rose moved, to further amend the bill by inserting the word "State," before the word "Texas."

Amendment adopted.

On motion, the bill was then ordered to be Engrossed.

A bill to be entitled An act, to organize Justices' Courts, &c., was taken up and

Read a second time.

Mr. McNeill offered the following, as an amendment to the bill:

"When either party, in a suit, before a Justice of the Peace, wishes to take an appeal to the District Court, the party Appellant, shall take and subscribe an oath, that he, she or they, have not applied for an appeal, for the purpose of delay; but that justice may be done in the premises. And said oath shall be certified to, by the Justice before whom it was taken, and sent up to the District Court, amongst the other papers."

Amendment rejected.

Mr. White moved, to amend the bill, by striking out of the seventeenth section, the words, "at his own,"

Amendment rejected.

On motion the bill was then passed to a third reading.

In accordance with the established rule, the House adjourned, until to-morrow morning nine o'clock.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, FRIDAY, }
April 3, 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Branch, Brown, Charlton, Clark, Cronican, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gillett, Gilliam, Holland, Hudson, Irion, Keenan, Mabry, McClarty, McCown, McCulloch, McFarland, McNeill, Milican, Muckleroy, Mullens, Pattillo, Pease, Perkins Perry, Rayner, Redgate, Rose, Sadler, Stewart, Smith of Rusk, Swift, Sublett, Truitt and Willie.

A quorum being present the House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Gray, chairman of the committee on the Judiciary, made the following report:

*To the Honorable Speaker
of the House of Representatives:*

The committee on the Judiciary have had under consideration a bill, to be entitled An act, providing for the trial and punishment of crimes and misdemeanors, committed by slaves and free persons of color; and instruct me to report, that they consider the subject, as one that ought to receive careful attention from the Legislature.

They instruct me to report the enclosed substitute for the original bill, and to recommend its adoption and passage.

[Signed]

P. W. GRAY,
Chairman.

Report, bill and substitute received, and laid upon the table, to come up with the orders of the day.

Mr. Gray, chairman of the committee on the Judiciary, to whom was referred a bill to be entitled An act, providing for the registration of the separate property of married women—reported thereon; which report was read and adopted.

[This report was not transcribed into the Journal of the third of April, and the original cannot be found; consequently, a copy cannot be furnished.]

Mr. Gray, chairman of the Judiciary, also made the following report:

COMMITTEE ROOM, }
April 2, 1846. }

*To the Honorable Speaker
of the House of Representatives:*

The committee on the Judiciary have considered a bill, to be entitled An act, to authorize plaintiffs, to discontinue their suits, in vacation, and, a majority, instruct me to report, that they believe the law, as it now is, to be sufficient for the purpose expressed in the bill; and that any further extension of the right, which plaintiffs have to enter discontinuances, would be attended with evil.

They, therefore, recommend that the bill be laid upon the table.

P. W. GRAY,
Chairman.

Report read and adopted.

Mr. Irion, chairman of the committee on County Boundaries, made the following report:

Honorable W. E. Crump,
Speaker of the House of Representatives :

The committee on County Boundaries, have had under consideration, a bill (from the Senate) to be entitled An act, creating the county of Hunt; and beg leave to report, and recommend its passage.

[Signed]

VAN R. IRION,
Chairman.

Report, and bill received, and laid upon the table, to come up in their regular order.

Mr. Gooch introduced the following Resolution:

Resolved by the House of Representatives of the State of Texas,
 That the Commissioner of the General Land Office, be requested to communicate to this House, the superficial area of the territory comprised within the following limits:—Bounded, on the North by the Sulphur Fork; on the South, by the North Cypress; on the West by the line dividing the counties of Lamar and Red River; and, on the East, by a line running four miles East of Seidekum's line, dividing Red River from Bowie county—and that the same be reported to this House as early as possible.

Resolution read a first time.

On motion of Mr. Russell, the rule of the House requiring Resolutions to lie upon the table, one day, for consideration, was suspended.

The Resolution was then read a second time and adopted.

A message was received from the Senate informing the House of the passage of the following bill by that body:

A bill to be entitled An act, to establish the county of Walker.

Mr. Stewart introduced a bill, to be entitled An act, to prohibit the removal of mortgaged property—to the injury of the mortgagee.

Bill read a first time.

Mr. Adams introduced a bill, to be entitled An act, providing for the defining and running the boundaries of Robertson and Limestone Counties.

Bill read a first time.

On motion of Mr. Sublett, the House proceeded to take up the

ORDERS OF THE DAY.

A bill to be entitled An act, to prohibit individuals from is

suing Checks, Bills, Promissory Notes or other paper—to circulate as money—was taken up

Read a third time and passed.

A bill to be entitled An act requiring the Commissioner of the General Land Office, to issue patents on Land Scrip—located in two surveys—was taken up

Read a third time and passed.

Mr. Rayner moved, that a call of the House be made.

Motion carried.

On motion of Mr. Rayner, a further call of the House was suspended.

A bill to be entitled An act, to amend the eighth and eleventh sections of an act, incorporating Herman's University, was taken up

Read a third time and passed.

A bill to be entitled An act, to incorporate the Duval Academy, in the County of Fannin—was taken up and

Read a second time.

On motion, the bill was passed to a third reading.

A bill to be entitled An act, requiring County Surveyors, to record certain field-notes; was taken up and

Read a second time.

Mr. McNeill moved; that the bill be referred to the committee on the Judiciary.

Motion lost.

On motion of Mr. Gray, the bill was referred to the committee on Public Lands.

A message was received from the Senate, informing the House of the passage of the following bills, by that body:

A bill to be entitled An act, to create the County of Grimes.

A bill to be entitled An act to establish the Judicial Districts of the District Court.

A bill to be entitled An act, to authorize the payment of Government dues, on land in Gold or Silver, and

A bill to be entitled An act, to create the county of Denton.

A bill to be entitled An act, to incorporate the Lamar Academy, in the County of Lamar; was taken up and

Read a second time.

On motion, the bill was passed to a third reading.

A bill to be entitled An act, defining the mode of conveying property, in which the wife has an interest; was taken up and

Read a second time.

On motion of Mr. Russell, the bill was referred to the committee on the Judiciary.

Mr. White offered the following Resolution:

Resolved by the House of Representatives, That when a call of the House is made, after the Journals have been read—the Doorkeeper shall close the doors, and the Clerk shall note the absentees—who were not excused, on the previous day—and shall enter a fine, of three dollars, against said absentees; unless otherwise directed, by a majority of the members present.

Resolution read, and laid upon the table, one day for consideration.

A bill to be entitled An act, to authorize the settlement of disputes, by conciliation or arbitration; was taken up and

Read a second time.

On motion of Mr. Brown, the bill was referred to the committee on the Judiciary.

On motion of Mr. Smith of Rusk, a bill to be entitled An act, prescribing further duties to the County Courts, or County Commissioners; was taken up and

On motion of Mr. Stewart, read by sections.

On motion of Mr. Pease, the words, "Courts of Commissioners," were stricken out:

Mr. Eddy moved, to amend the bill as follows:

Provided, That it shall not be lawful, for any person to establish new ferries, on any navigable stream, within five miles of any old, or established ferry.

Mr. McCown moved to strike out the words, "five," in the amendment, and insert in lieu thereof the word "three."

Amendment rejected.

Mr. Stewart offered to amend the amendment as follows:

Provided further, That nothing herein contained, shall prevent any person, owning lands on either side of the river or stream, from having his own ferry and road thereto.

Amendment rejected.

The question then recurred, on the adoption of the amendment offered by Mr. Eddy; and the

Amendment was rejected.

Mr. Dupree moved, that the fourth section of the bill be stricken out.

Motion lost.

On motion of Mr. White, the latter clause of the fourth section, was stricken out.

Mr. Dupree offered the following, as an amendment to the bill:

"Each person obtaining a license to keep a ferry, shall pay to the county granting such license, an annual license tax of _____ dollars; and, in case of failure to pay said license tax, the person failing to pay shall be deemed guilty of a misdemeanor; and, on conviction thereof, shall be fined in any sum not exceeding one hundred dollars."

Amendment rejected.

Mr. White moved, that the tenth section of the bill be stricken out.

Mr. Pease offered to amend the amendment, by striking out all of the section, after the word "institutions."

Amendment rejected.

The question then recurred, on the adoption of Mr. White's motion to strike out the tenth section of the bill and

The motion was adopted.

On motion of Mr. Cazenau, the eleventh section of the bill was stricken out.

Mr. Gray offered the following, as a substitute for the tenth section of the bill:

After the enacting clause, insert, "that all ministers of the Gospel, Teachers of Schools, and students attending schools, shall be exempt from working on roads."

Mr. Branch moved to amend the substitute, offered by Mr. Gray, by inserting, after the word "Students," the words, "under sixteen years of age."

Amendment rejected.

Mr. Russell offered to amend, by inserting, "twenty-one years of age," after the word "students."

Amendment rejected.

The question then recurred, on the adoption of Mr. Gray's substitute for the tenth section of the bill and

The substitute was adopted.

Mr. Dupree moved to amend, by inserting the words, "and all free white persons."

Amendment rejected.

Mr. Durham moved, that the bill be laid upon the table.

Motion lost.

Mr. Stewart moved, that the twelfth section of the bill be stricken out.

Motion lost.

Mr. Pease offered the following, as an amendment to the twelfth section of the bill:

Be it further enacted, That this act shall take effect, from

and after the second Monday in July, eighteen hundred and forty-six.

Amendment adopted.

On motion of Mr. Branch, the thirteenth and fourteenth sections of the bill were stricken out.

Mr. Charlton moved, that the bill be referred to the committee on Internal Improvements.

Mr. Durham moved, that the fifteenth section of the bill be adopted.

The question recurred, on the adoption of Mr. Charlton's motion, to refer the bill to the committee on Internal Improvements and

The motion was lost.

Mr. Keenan moved, that the bill be referred to the committee on Claims and Accounts.

Motion lost.

On motion of Mr. Branch, the fifteenth section of the bill was stricken out.

Mr. Russell offered the following, as an additional section to the bill:

SECTION——. *Be it further enacted*, That it shall be the duty of the Judges of the Superior Courts of this State, to give in charge to the Grand Juries of the different counties, at the opening of each term of the said Courts, *this act*; and the Grand Juries shall present the Overseers of public roads, as well as the keepers of public ferries, which shall not be, or may not have been kept in such order and repair as is required by this act.

Amendment rejected.

On motion, the bill was then ordered to be Engrossed.

Mr. Russell, Chairman of the committee on Engrossed Bills, made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives :

The committee on Engrossed Bills have examined a bill, to be entitled An act, creating the county of Nueces, and find the same correctly engrossed.

[Signed]

A. J. RUSSELL,
Chairman.

Report read and accepted.

Mr. Stevenson introduced a bill, to be entitled An act, to incorporate the town of Corpus Christi.

Bill read a first time.

Mr. Stevenson moved, that the bill, to be entitled An act, creating the County of Nueces, be taken up.

Motion carried.

The bill was then taken up, read a third time and passed.

A message was received from the Senate, informing the House of the passage, (by that body,) of a bill, to be entitled, An act, to organize the militia of the State of Texas.

Mr. Branch, by leave introduced the following Resolution:

Resolved, That the Resolution, requiring the House to meet at nine o'clock A. M. and adjourn at half past one o'clock, P. M., be, and the same is, hereby repealed.

Mr. Stewart offered to amend Mr. Branch's Resolution as follows:

Resolved, That the rule, requiring the adjournment of the House, at half past one o'clock, every day, be so far rescinded, as to require the House to adjourn, every other day, at twelve o'clock, M., and to meet on the same day, at three o'clock, P. M.

Amendment rejected.

The question then recurred, on the adoption of Mr. Branch's Resolution and

The Resolution was adopted.

On motion of Mr. Echols, leave absence of was granted to Mr. Smith of Rusk, until Wednesday next.

Mr. Willie moved that the House adjourn until to-morrow, nine o'clock, A. M.

The yeas and nays were called, on the adoption of Mr. Willie's motion, and stood as follows:

Yeas. Messrs. Adams, Brown, Cazenau, Charlton, Cronican, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gillett, Gilliam, Gooch, Holland, Howard, Irion, Jones, McCulloch, McNeill, Miller, Muckleroy, Noble, Pease, Perkins, Perry, Rayner, Redgate, Russell, Savage, Stevenson, Stewart, Smith of Rusk, Swift, Truitt, Williams and Willie.
—36.

Nays. Messrs. Speaker, Barry, Branch, Clark, Dickson, Durham, Gray, Keenan, Mabry, McClarty, McCown, McFarland, Milican, Mullens, Pattillo, Rose, Ryburn, Sadler, Smith of Harris and White—20.

So the motion was carried, and in accordance therewith;

The House adjourned, until to-morrow, nine o'clock, A. M.

HOUSE OF REPRESENTATIVES,
CITY OF AUSTIN, SATURDAY,
April 4th 1846.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Branch, Brown, Charlton, Clark, Dickson, Dupree, Echols, Edwards of Nacogdoches, Eddy, Gilliam, Gooch, Holland, Hudson, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo, Pease, Perry, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Swift, Sublett, Truitt, White, Williams and Willie.

A quorum being present. the House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Rayner presented the petition of John Sandsbury;

Petition read and

On motion, referred to the committee on Public Lands.

Mr. Gray, Chairman of the committee on the Judiciary, made a report, in relation to a bill, to be entitled An act, regulating Appeals to the Supreme Court, in criminal cases; which report was read, and laid upon the table, to come up with the orders of the day.

[This report was not copied into the Journal of the fourth of April, and, the original being misplaced, a copy cannot be furnished.]

Mr. Clark, Chairman of the committee on State Affairs, made the following report:

To the Honorable W. E. Crump,

Speaker of the House of Representatives :

The committee on State Affairs, have considered a joint Resolution, requiring the Governor to reside at the Seat of Government, for the next twelve months; and a majority of them, not aware of anything which would make it necessary, or proper for him to be detained here so long in addition to the time that he has already been from home, direct that said Resolution be returned to the House, and recommend that it be assigned a place upon the table—Mr. Echols dissenting from this report:

[Signed]

E. CLARK,
Chairman.

Report read and adopted.

On motion of Mr. Brown, the vote of the House, on the adoption of the above report was reconsidered.

On further motion of Mr. Brown, the report was laid upon the table, to come up with the orders of the day.

Mr. Clark, Chairman of the committee on State affairs, also made the following report:

COMMITTEE ROOM, }
April 4th 1846. }

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The committee on State Affairs have examined and considered a bill, to be entitled An act, to fix and apportion the number of Representatives, among the several counties, cities and towns; according to the number of free population in each—and have directed me to return said bill to the House, and to recommend that it be laid upon the table.

The committee entertain the opinion, that an enumeration of the free population of the State must be had before the number of Representatives can be apportioned among the different counties, cities or towns. They suppose that the first part of the twenty-ninth section of the third article of the Constitution, means nothing more than that the Legislature shall take such steps as will procure an enumeration of the free inhabitants of the State. They think there can be no doubt about this, since the succeeding Section effectually declares that the present number of Representatives shall remain unaltered, until the first enumeration. The Constitution also establishes certain limits (forty-five and ninety) below and above which, the number of Representatives shall not pass; and, in the absence of all information, the committee are unable to determine, what would be the number of Representatives under the ratio established by the bill.

The apportionment of Representatives, at the several periods of making enumerations, is a duty imposed upon the Legislature; and the committee are of opinion, that this power cannot be assigned or delegated to any other authority.

The bill proposes to confer upon the Governor, the power, and makes it his duty, when the free population of the State shall have been ascertained and made known to him, to apportion the number of Representatives among the several counties, cities or towns; thus transferring to the Executive, a privi-

lege secured to the Legislature; and in the opinion of the committee expressly forbidden, by the second article of the Constitution—which declares that none of the powers, assigned to one department of Government, shall be exercised by either of the others; except in instances permitted by the Constitution.

[Signed]

E. CLARK,
Chairman.

Report read and adopted.

Mr. Miller moved, that the report be laid upon the table, to come up with the orders of the day.

Motion lost.

Mr. Sublett moved, that the vote of the House—adopting the report, be reconsidered.

Motion lost.

Mr. Irion, Chairman of the committee on County Boundaries, made the following report:

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The committee on County Boundaries have had under consideration a bill to be entitled An act, to established Newton County; and beg leave to report and recommend the passage of the same.

[Signed]

VAN R. IRION,
Chairman.

Report read and received, and laid upon the table, to come up with the orders of the day.

Mr. Clark, Chairman of the committee on State Affairs, made a report relative to a bill to be entitled An act, authorizing the Governor to employ a Private Secretary; which report was laid upon the table, to come up among the orders of the day.

[No transcript was made of this report: and, the original being misplaced, a copy cannot be furnished.]

Mr. Pease, Chairman of the committee on Public Lands, made the following report:

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The committee on Public Lands have considered a bill, to be

entitled An act, for the relief of the heirs of Samuel S. Sheffield—which was referred to them, and are of opinion that it is inexpedient to pass the bill, inasmuch as the parties, for whose relief it is intended, have their remedy, by making application to the District Court. They, therefore, recommend that the bill be laid upon the table.

All of which, is respectfully submitted.

[Signed]

E. M. PEASE,

Chairman.

Report read and adopted.

Mr. Pease, Chairman of the committee on Public Lands, also made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on Public Lands have considered a bill, to be entitled An act, to provide for the loss of Duplicate Land Warrants, Land Scrip, Head-right Certificates &c; and a majority of said committee, have directed me to report the accompanying bill, to be entitled An act, to provide for the loss of Duplicate and other Certificates, Military Land Warrants and Land Scrip—and recommend that it be adopted, as a substitute for the original bill.

A minority of said committee, including the undersigned—dissent from the above report; and think it inexpedient for the Legislature to act upon the subject.

All of which is respectfully submitted.

[Signed]

E. M. PEASE,

Chairman.

Report read and received, and together with the bill and substitute, laid upon the table, to come up with the orders of the day.

Mr. Pease, Chairman of the committee on Public Lands, also made a report, in reference to a bill, to be entitled An act, to provide for closing the business of the late Department of War and Marine; which report was read and received, and laid upon the table, to come up with the orders of the day.

[This report was not transcribed into the Journal of the fourth of April: and, the original being misplaced, a copy cannot be furnished.]

Mr. Russell, Chairman of the committee on Engrossed Bills, made the following report:

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives :*

The committee on Engrossed Bills have examined a bill, to be entitled An act, creating the county of Navarro, and find the same correctly engrossed.

[Signed]

A. J. RUSSELL,
Chairman.

Report read and accepted.

Mr. Pattillo, one of the committee on Enrolled Bills, made the following report:

*To the Honorable Speaker
of the House of Representatives:*

The committee on Enrolled Bills have examined the following bills, and find the same correctly enrolled:

An act to establish the county seat of Milam County.

An act to locate the county seat of La Vaca County.

An act to legalize the marriage of Samuel M. Parry, with Elizabeth Neise; and legitimating their children; and

An act to locate the county seat of Calhoun County.

Said bills, having been signed by the Speaker of the House of Representatives and the President *pro. tem.*, of the Senate were this day, presented to his Excellency, the Governor, for his approval.

(Signed)

G. A. PATTILLO,
One of the Committee.

Report read and accepted.

Mr. Stewart introduced the following Resolution:

Resolved, that this House—in proceeding to the orders of the day—take up only such business as shall have originated in the House, until all of such business be disposed of; unless special order or exception be made to this rule.

Resolution read and

On motion of Mr. Stewart, made the special order of the day, for Monday next, at ten o'clock, A. M.

Mr. Gray, introduced a bill, to be entitled An act, to declare what officers shall give certificates of election, in Senatorial Districts composed of more than one county.

Bill read a first time.

Mr. Howard presented the petition of James Newcomb and William Gibson—with a Joint Resolution for their relief.

Petition and Joint Resolution read and,

On motion of Mr. Howard, referred to the committee on Claims and Accounts.

On motion of Mr. Clark, a bill, to be entitled An act, creating the county of Upshur, was taken up

Read a third time and passed.

On motion of Mr. Erath, a bill to be entitled An act, to provide for the closing of the business of the late Department of War and Marine, was taken up with the report thereon, and the substitute therefor, offered by the committee on Public Lands.

A bill to be entitled An act to provide for closing the business of the late Department of War and Marine; was also taken up with the report thereon, offered by the committee on State Affairs.

Bill and report read and

On motion of Mr. Sadler, laid upon the table.

On motion of Mr. Erath, the substitute offered by the committee on Public Lands, was then taken up

Read and adopted.

On further motion, the bill was ordered to be engrossed.

Mr. Erath moved, to amend the caption of the substitute, by inserting: "A bill to provide for closing the business of the late Department of War and Marine."

Amendment adopted.

Mr. Erath then moved, that the rule of the House, requiring bills to be read on three several days, be suspended.

Motion carried.

The bill was then read a third time and passed.

A bill to be entitled An act to provide for revising, digesting, and arranging the laws; civil and criminal; was taken up and

Read a second time.

Mr. Howard moved, to amend the bill, by striking out all that portion of the first section, requiring the appointment of two persons, and inserting in lieu thereof, the words, "the Judges of the Supreme Court."

Amendment adopted.

On motion of Mr. Sadler, the third section of the bill was stricken out, and

On motion of Mr. White, the bill was ordered to be engrossed.

A bill to be entitled An act, for the relief of Isaac Ferguson was taken up

Read a third time and passed.

A bill to be entitled An act to establish the county of Cass, was taken up and

Read a second time.

Mr. McCown moved, to amend the bill, by striking out the word "river," and inserting in lieu thereof, the word "Bayou."

Amendment adopted.

On motion of Mr. Russell, the bill was then laid upon the table, for two hours.

A message was received from the Senate, informing the House, that they had refused to concur in the first amendment to a bill, to be entitled An act, creating the county of Smith and that they had concurred in the second amendment to said bill.

The House was also informed of the refusal of the Senate to concur in the first amendment of the House, to a bill, to be entitled An act, creating the county of Cherokee; and that they had concurred in the second amendment to said bill.

Also, that the Senate had refused to concur in the amendments, of the House to a bill, to be entitled An act, to provide for the enumeration of the inhabitants of the State of Texas.

A bill to be entitled An act, to legalize the sale of town lot in the town of Goliad; was taken up and

Read a third time and passed.

A bill to be entitled An act, to establish the seat of Justice of Limestone county; was taken up and

Read a third time and passed.

A bill to be entitled An act, to authorize the Commissioners of the General Land Office, to issue a Patent, to Joseph McGee; was taken up and

Read a third time and passed.

A bill to be entitled An act, creating the county of Angelina; was taken up and

Read a third time and passed.

A bill to be entitled An act, authorizing the Chief Justices elected on the second Monday in February, to hold their office until their successors are elected; was taken up.

Mr. Willie moved, to amend the bill by striking out the words "second Monday," and inserting in lieu thereof, the words "first Monday."

Amendment adopted.

The bill was then read a third time and passed.

A bill to be entitled An act, transferring a portion of the liabilities of Milam county, to the county of Burleson; was taken up and

Read a third time and passed.

A bill to be entitled An act requiring the county of Limestone, to pay one fourth of the debt of Robertson county; was taken up and

Read a third time and passed.

A bill to be entitled An act, for the relief of James Gilliam, assignee of Jesse Billingsly, was taken up and

Read a third time and passed.

A bill to be entitled An act, to provide for the publication of the laws: was taken up.

Mr. Pease moved, that the blank in the bill, be filled with "two thousand five hundred."

The yeas and nays were called, on the adoption of Mr. Pease's motion, and stood as follows:

Yeas. Messrs. Speaker, Adams, Cazenau, Clark, Cooke Cronican, Dickson, Durham, Echols, Erath, Holland, Howard, Keenan, McCulloch, McFarland, McNeill, Muckleroy, Noble, Ogden, Pease, Perkins, Rayner, Rose, Ryburn, Savage, Stevenson, Stewart, Swift, Truitt and Williams—30.

Nays. Messrs. Barry, Brown, Charlton, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gillett, Gilliam, Irion, Mabry, McCown, Miller, Milican, Mullens, Pattillo, Perry, Redgate, Russell, Sadler, Smith of Harris, Sublett, White and Willie—24.

So the motion, to fill the blank in the bill, with "two thousand five hundred," was carried.

Mr. Howard offered the following, as an additional section to the bill:

Also, a copy of the Colonization Laws, of the State of Coahuila and Texas; and the land laws, of a public nature, passed by the Congress of the Republic of Texas, shall be incorporated in said volume.

Amendment adopted.

Mr. Gray moved to amend the section just adopted, by inserting the words, "and such other general laws, as he may deem necessary."

On motion of Mr. Brown, the bill and amendment were referred to the committee on the Judiciary.

A bill to be entitled An act, defining the limits of Nacogdoches county; was taken up and

Read a third time and passed.

A bill to be entitled An act, establishing the seat of Justice of Dallas county; was taken up and

Read a third time and passed.

A bill to be entitled An act, to authorize John Henry Brown and Mary M. Brown, to adopt John Henry B. Stoner, as their lawful heir; was taken up and

Read a third time and passed.

A Joint Resolution, concerning roads, in Robertson county; was taken up and

Read a third time and passed.

A bill to be entitled An act, authorizing the Governor to offer rewards for fugitives; was taken up and

Read a third time and passed.

A bill to be entitled An act, authorizing the Governor to have certain Laws translated into the German Language; was taken up and

Read a third time and passed.

A bill to be entitled An act, for the protection of widows and orphans; was taken up and

Read a third time and passed.

A bill to be entitled An act, requiring the county of Wharton, to pay a portion of the debt of the counties of Colorado and Matagorda; was taken up and

Read a third time and passed.

Mr. Cooke, by leave, introduced a bill, to be entitled An act, establishing the office of Public Administrator.

Bill read a first time.

A bill to be entitled An act, fixing the seat of Justice of the county of Grimes: was taken up and

Read a third time and passed

A bill to be entitled An act, organizing County Courts; was taken up.

Mr. Gray moved, to amend the bill, by inserting the words "and also, try contested elections, for County officers."

Amendment adopted.

Mr. Gray then offered the following as an amendment to the bill:

And also, to exercise jurisdiction, in appointing guardians, granting letters testamentary and of administration; in settling

the accounts of Administrators and and guardians, and for the transaction of business appertaining to Estates, in such manner as may be provided by law.

On motion of Mr. Gillett, the bill was made the special order of the day, for Monday next, ten o'clock, A. M.

A bill to be entitled An act, connecting Galveston Island with the main land, at Virginia Point; was taken up—with the amendments thereto, offered by the committee on the Judiciary.

Amendments read and adopted.

Mr. Cronican moved, to strike out "fifty," before the word "feet," and insert in lieu thereof, the words "thirty five."

Amendment adopted.

Mr. Mabry moved, that the vote of the House, just taken on Mr. Cronican's amendment be reconsidered.

Motion lost.

Mr. Rose moved to amend, by striking out all relating to the width of the draw-bridge, and inserting in lieu thereof as follows:

Provided, That said bridge or causeway, shall not injuriously impede the navigation of Galveston Bay.

Amendment adopted.

Mr. Savage moved, to amend the bill, by inserting the following:

"This act, shall not be construed to be a private franchise; but is hereby, declared to be a public corporation."

Amendment adopted.

Mr. Willie moved, that the bill be indefinitely postponed.

Motion lost.

The question recurring on the passage of the bill to a third reading, the yeas and nays were called, thereon, and stood as follows:

Yeas. Messrs. Speaker, Adams, Barry, Branch, Brown, Cazenau, Charlton, Cronican, Dickson, Durham, Echols, Eddy, Gillett, Gilliam, Gooch, Howard, Hudson, Irion, Jones, Keenan, McClarty, McCown, McCulloch, McFarland, McNeill, Muckleroy, Mullens, Noble, Perkins, Perry, Rayner, Redgate, Rose, Ryburn, Russell, Savage, Stewart, Swift, Truitt, White and Williams—41.

Nays. Messrs. Clark, Cooke, Edwards of San Augustine, Gray, Holland, Miller, Milican, Pattillo, Pease, Sadler, Smith of Harris and Willie—12.

So the bill was passed to a third reading.

On motion of Mr. Gillett, the House adjourned until Monday morning, nine o'clock.

HOUSE OF REPRESENTATIVES,
CITY OF AUSTIN, MONDAY,
April 6, 1846.

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Branch, Bourland, Burroughs, Clark, Dickson, Dupree, Echols, Edwards of Nacogdoches, Erath, Gillett, Gilliam, Gooch, Holland, Hudson, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo, Perry, Railey, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Swift, Sublett, Truitt, White, Williams and Willie.

A quorum being present, the House proceeded to business.

The Journal of Saturday, the fourth instant, was read and adopted.

Mr. Clark, Chairman of the committee on State Affairs, made the following report:

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives :*

The committee on State Affairs, have examined and considered a bill, to be entitled An act, for the protection of the Christian Sabbath—and have instructed me to return the bill to the House, and to recommend its passage.

[Signed]

E. CLARK,
Chairman.

Report and bill received, and laid upon the table, to come up with the orders of the day

Mr. Holland introduced a Resolution as follows:

Resolved, That the committee on State Affairs be, and they are, hereby, (instructed) to report a bill providing in what manner Electors for President and Vice President, shall be chosen.

Mr. Miller introduced a resolution relative to mail Contractors.

Resolution read a first time.

Mr. Howard introduced the following resolution:

Resolved, That the committee on the Judiciary, be instructed to enquire into the expediency of a law to establish limited partnerships—with leave to report thereon, by bill or otherwise.

Resolution read and adopted.

Mr. Edwards of San Augustine, introduced a bill, to be entitled An act, for the relief of the widow and children of Kenneth L. Anderson, deceased.

Bill read a first time.

On motion of Mr. Clark, the House proceeded to the

ORDERS OF THE DAY.

Mr. Cooke, by leave introduced a bill, to be entitled An act, to prevent the sacrifice of real Estate.

Bill read a first time.

Mr. Gilliam by leave, presented the petition of sundry individuals of Red River County—praying that Inglis Oliver be permitted to reside in the State, and made capable in law, of holding real estate: and of suing and being sued. With a bill for his benefit.

Which were read and

On motion, referred to the committee on State Affairs.

A bill to be entitled An act, to establish the county of Cass; was taken up and

Read a second time.

Mr. Russell offered the following, as a substitute for the caption and first section of the bill:

"AN ACT TO CREATE THE COUNTY OF LAKE SODA."

SECTION FIRST. *Be it enacted by the Legislature of the State of Texas*, That all that portion of Territory, within the limits of Bowie County, South of the Sulphur Fork, comprised within the following limits, to wit:—

Bounded on the North by the meanders of the Sulphur Fork; on the East, by the Louisiana line, to the middle of Lake Soda; on the South, by the meanders of the middle of the Lake Soda and the Big Cypress; and on the West, by a line running North and South from the said Cypress to the Sulphur—parallel with the Louisiana line—and so far west as to contain, within the above prescribed limits, the constitutional area of

nine hundred square miles. And that the County Surveyor of Bowie County, be appointed, and, hereby required to proceed as soon as practicable, to survey said county boundaries—by a correct mathematical calculation, and make his returns accordingly as required by law.

The yeas and nays were called, on the adoption of Mr. Russell's substitute for the caption and first section of the bill, and stood as follows:

Yeas. Messrs. Burroughs, Dupree, Gooch, Ogden, Rayne^r, Russell, White and Willie—8.

Nays. Messrs. Speaker, Adams, Barry, Branch, Bourland, Brown, Charlton, Clark, Cooke, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Holland, Howard, Hudson, Irion, Jones, Keenan, Mabry, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo, Perkins, Perry, Redgate, Rose, Ryburn, Sadler, Savage, Stewart, Swift, Sublett and Truitt—46.

So the substitute was rejected.

Mr. Gilliam offered the following as an amendment to the bill:

Strike out the words "four miles," and insert, in their stead the words "five miles and a half."

Amendment adopted.

Mr. Russell offered the following as an amendment to the bill:

Also that such county site shall not be located beyond five miles from the common centre; unless by a majority of two thirds.

Mr. Durham moved, that the bill be engrossed.

Mr. Clark offered the following, as an amendment to the fifth section of the bill:

After the word "places," insert the words "one of which shall be within three miles of the centre."

Amendment adopted.

Mr. Rayner moved, that the sense of the House be taken, on the previous question.

Motion carried.

Question. Shall the bill now under consideration of the House, be engrossed?

The question was decided in the affirmative, and the bill was ordered to be engrossed.

On motion of Mr. Howard, a bill (from the Senate) to be

entitled An act, organizing the Judicial Districts of the State; was taken up and

Read a first time.

Mr. Rose moved, that the rule of the House requiring bills to be read on three several days, be suspended.

Motion carried.

The bill was then read a second time and

On motion of Mr. Mabry, referred to a select committee, composed of one member from each Judicial District.

The Speaker appointed Messrs. Pease, Mabry, Cooke, Rose, Sublett, Miller, McNeill and Bourland, to compose said committee.

A bill to be entitled An act, to provide for raising a Jury Fund—having been made the special order, for to-day, at ten o'clock, A. M., was taken up and

Read a second time.

Mr. Stewart offered the following as an amendment to the bill:

"That it shall be the duty of the District Clerk and Sheriff of the county, to pay over, when collected, to the County Treasurer, all county taxes they may recover—due upon suits heretofore instituted in the District Courts—to be added by said Treasurer, to the Jury Fund.

Amendment rejected.

Mr. Clark moved to amend, by inserting the words "and the tax levied on practising Lawyers and Physicians.

Amendment rejected.

Mr. Sublett moved, that the bill be referred to the committee on the Judiciary.

Motion lost.

The question recurring on the engrossment of the bill:

The yeas and nays were called, thereon, and stood as follows:

Yeas. Messrs. Speaker, Barry, Bourland, Cronican, Dickson, Dupree, Durham, Edwards of San Augustine, Gray, Gillett, Gilliam, Hudson, Mabry, McFarland, McNeill, Miller, Mullens, Pease, Rayner, Rose, Stevenson, Stewart, Swift and Willie—25.

Nays. Messrs. Adams, Brown, Cazenau, Charlton, Clark, Cooke, Echols, Edwards of Nacogdoches, Eddy, Erath, Gooch, Holland, Howard, Irion, Jones, Keenan, McClarty, McCown, McCulloch, Milican, Muckleroy, Noble, Ogden, Pattillo, Perkins, Perry, Railey, Redgate, Russell, Ryburn, Sadler, Savage, Smith of Harris, Sublett, Truitt, White and Williams—37.

So the House refused to engross the bill.

Mr. Clark moved, that the vote of the House just taken on the engrossment of the bill to be entitled An act, to provide for raising a Jury Fund, be reconsidered.

Motion carried.

On motion of Mr. Sublett, the bill was then referred to the committee on the Judiciary.

Mr. Russell, Chairman of the committee on Engrossed Bills, made the following report:

*To the Honorable Speaker
of the House of Representatives:*

The committee on Engrossed Bills, have examined a bill to be entitled An act, regulating juries, and find the same correctly engrossed.

[Signed]

A. J. RUSSELL,
Chairman.

Report read and accepted.

Mr. Burroughs, Chairman of the committee on Enrolled Bills, made the following report:

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The committee on Enrolled Bills, have examined the following bills, and find the same correctly Enrolled:

An act to establish the county of Walker.

An act to incorporate the Huntsville Academy.

An act to incorporate the Independent Order of Odd Fellows.

An act creating the county of Grimes; and

An act to create the county of La Vaca.

Said bills, having been signed by the Speaker of the House of Representatives and the President *pro. tem.*, of the Senate were this day, presented to his Excellency, the Governor, for his approval.

[Signed]

J. M. BURROUGHS,
Chairman.

Report read and accepted.

A bill to be entitled An act organizing County Courts, was taken up and

Read a second time,

On motion of Mr. Sublett, the bill was referred to the committee on Finance.

Mr. Brown, presented the petition of Col. Horatio Grooms.
Petition read and

On motion, laid upon the table, until to-morrow ten o'clock,

A. M.

A bill to be entitled An act, to provide for the enumeration of the inhabitants of the State—was taken up with the amendments of the House thereto, in which the Senate had refused to concur.

Mr. Bourland moved, that the House adhere to the first amendment.

Motion carried.

Mr. Clark moved, that the House recede from the second amendment.

Motion lost.

Mr. Miller moved, that a committee of Conference be appointed, to take into consideration the subject matter of disagreement.

Motion lost.

Mr. Burroughs moved, that the vote of House, just taken on Mr. Miller's motion, be reconsidered.

Motion carried.

Mr. Burroughs then moved, that a committee of Conference be appointed.

Motion carried.

The Speaker then appointed Messrs. Miller, Burroughs and Brown, to compose said committee of Conference, on the part of the House.

Mr. Barry moved, that the House adjourn until three o'clock,

P. M.

Motion lost.

Mr. McCown moved, a reconsideration of the vote, appointing a committee of Conference.

Motion carried.

On motion of Mr. Echols, the House adjourned until half past two o'clock, P. M.

HALF PAST TWO O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Branch, Brown, Charlton,

Clark, Cooke, Cronican, Dickson, Durham, Echols, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Holland, Hudson, Irion, Keenan, Mabry, McCulloch, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Pattillo, Perkins, Perry, Railey, Rose, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Harris Swift, Truitt and Williams.

A quorum being present the House proceeded to business.

Mr. Cooke by leave, introduced a bill, to be entitled An act, to prevent the bringing of slaves into the State, convicted of certain crimes.

Bill read a first time.

Mr. Russell, Chairman of the committee on Engrossed Bills, reported sundry bills correctly engrossed; which report was Read and accepted.

A bill to be entitled An act, creating the county of Navarro; was taken up

Read a third time and passed.

A bill to be entitled An act, incorporating the Angelina Navigation Company—with the report of the committee on the Judiciary thereon—were taken up and

On motion of Mr. Brown, made the special order of the day, for to-morrow at eleven o'clock, A. M.

Mr. Perkins by leave introduced a bill to be entitled An act to authorize the Treasurer, to settle with defaulting Sheriffs.

Bill read a first time.

Mr. Russell by leave introduced a bill to be entitled An act to wind up and close the business of the Treasury Department of the late Republic of Texas.

Bill read a first time.

A bill, to be entitled An act, to connect Galveston Island with the main land, at Virginia Point; was taken up

Read a third time and passed.

A message was received from the Senate, informing the House of the passage of the following bills, by that body:

A bill to be entitled An act to provide for the organization of the several counties in this State.

A bill to be entitled An act to create the county of Limestone.

A bill to be entitled An act to authorize the institution of suits against the State.

A bill to be entitled An act, to provide for the appointment of Patrols; and to prescribe their duties and powers.

A bill to be entitled An act to prescribe the time of the biennial meeting of the Legislature of the State of Texas.

A bill to be entitled An act to define the boundaries of the county of Robertson; and

A bill to be entitled An act to prescribe the manner of organizing the House of Representatives, of the Legislature of the State of Texas.

A bill to be entitled An act, to provide for the change of venue in civil and criminal cases; was taken up.

On motion of Mr. White, the bill was laid upon the table until Saturday next.

A bill to be entitled An act to exempt two hundred and fifty dollars worth of household furniture, from taxation; was taken up and

Read a second time.

On motion, the bill was passed to a third reading.

A bill to be entitled An act to continue in office, certain civil and military officers—commissioned by authority of the late Republic of Texas—was taken up and

Read a second time.

On motion, the bill was indefinitely postponed.

A bill to exempt from liability, any witness who may fail or refuse to attend as such, any court, out of the county in which he resides; was taken up, with the report of the committee on the Judiciary, recommending that the same be laid upon the table.

Read, and the report adopted.

A Joint Resolution, to provide for the destruction of Exchequer Bills and Promissory Notes, redeemed by the Government; was taken up—with the amendments offered by the committee on Finance.

Amendments read and adopted, and

On motion, the Joint Resolution was passed to a third reading.

A bill to be entitled An act, to create the county of Hunt; was taken up and

Read a second time.

On motion, the bill was passed to a third reading.

A bill to be entitled An act, incorporating Lamar Academy, in the County of Lamar; was taken up and

Read a second time.

On motion of Mr. Gillett, the bill was amended by striking out the letter "W," and inserting the letter "D" instead; and by striking out the name of "Norvill," and inserting in lieu thereof, the name of "Nowell."

The yeas and nays were then called, on the final passage of the bill, and stood as follows:]

Yeas. Messrs. Speaker, Adams, Barry, Bourland, Brown, Clark, Dickson, Durham, Echols, Edwards of San Augustine, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Howard, Hudson, Irion, Keenan, Mabry, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo, Perkins, Perry, Railey, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Stevenson, Stewart, Swift, Truitt, White, Williams and Willie—45.

Nays. Messrs. Branch, Charlton, Cooke, Pease and Smith of Harris—5.

So the bill was passed.

A bill to be entitled An act, to incorporate Duval Academy, in the County of Fannin—was taken up and

Read a third time.

The yeas and nays were called, on the final passage of the bill, and stood thus:

Yeas. Messrs. Speaker, Adams, Barry, Bourland, Brown, Clark, Dickson, Durham, Echols, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Howard, Hudson, Irion, Keenan, Mabry, McCown, McFarland, McNeill, Milican, Muckleroy, Mullens, Noble, Pattillo, Perkins, Perry, Rayner, Railey, Redgate, Rose, Ryburn, Sadler, Savage, Stewart, Swift, Truitt, White and Williams—44.

Nays. Messrs. Branch, Charlton, Cooke, Miller, Pease, Russell and Smith of Harris—7.

So the bill was passed.

A bill to be entitled An act to authorize the Governor to pay Expresses employed to circulate the law providing for the election of Representatives to the United States' Congress; was taken up and

Read a first time.

Mr. White moved, that the rule of the House requiring bills to be read on three several days, be suspended.

Motion carried.

The bill was then read a second time and

On motion, referred to the committee on Finance.

A bill to be entitled An act, to authorize the payment of Government dues on land, in Gold or Silver; was taken up and

Read a first time.

A bill to be entitled An act, to create the county of Denton; was taken up and

Read a first time.

A bill to be entitled An act, creating the county of Smith;

was taken up—with the amendments, thereto made by the House.

The Senate having refused to concur in the first amendment.

On motion of Mr. Brown, the House receded from said amendment.

A bill to be entitled An act to create the county of Cherokee; was taken up—with the amendments, thereto made by the House.

The Senate having refused to concur in the first amendment.

On motion of Mr. Brown, the House receded from said amendment.

A bill to be entitled An act to organize Justices Courts; and to define the powers and jurisdiction of the same; was taken up

Read a third time and passed.

A bill to be entitled An act to provide for raising a Jury Fund; was taken up

Read a third time and passed.

On motion of Mr. Irion, the House adjourned until to morrow nine o'clock, A. M.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, TUESDAY, }
April 7th 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Branch, Bourland, Brown, Charlton, Clark, Cronican, Dickson, Dupree, Echols, Edwards of San Augustine, Edwards of Nacogdoches, Eddy, Gray, Gillett, Gilliam, Holland, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo, Pease, Perkins, Perry, Railey, Rayner,

Redgate, Rose, Russell, Ryburn, Sadler, Savage, Stevenson, Smith of Harris, Smith of Rusk, Sublett, Truitt, White and Willie.

A quorum being present, the House proceeded to business. The Journal of the preceding day was read and adopted.

Mr. Pease, Chairman of the committee on Public Lands, made the following report:

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives :*

The committee on Public Lands, to whom was referred a bill to be entitled An act, for the relief of E. G. Rector—permitting him to alienate the six hundred and forty acres of land obtained by him in the Republic of Texas, as a *Donation*, for having participated in the battle of San Jacinto—are of the opinion, that it is inexpedient to pass said bill. They, therefore, return it to the House, and recommend that it be laid upon the table.

All of which, is respectfully submitted.

[Signed]

E. M. PEASE,
Chairman.

Report read and adopted.

Mr. Pease, Chairman of the committee on Public Lands, also made the following report:

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The committee on Public Lands, to whom was referred a bill, to be entitled An act, confirming the several seals of the General Land Office, have considered the same; and a majority of said committee, have instructed me to report to the House, the accompanying bill, and to recommend its adoption as a substitute for the original bill.

All of which is respectfully submitted.

[Signed]

E. M. PEASE,
Chairman.

Report, bill and substitute received, and laid upon the table, to come up with the orders of the day.

Mr. Pease, Chairman of the committee on Public Lands, also reported as follows:

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives :*

The committee on Public Lands, to whom was referred the

Petition of John Karner—praying for a grant of one third of a league of land, for his certificate which was not recommended by the Travelling Board of Land Commissioners—and, also, a bill, to be entitled An act, for the relief of John Karner; have considered the same, and, a majority of said committee have instructed me to report the bill back to the House, and to recommend its passage.

The undersigned dissents to said report. From the evidence before the committee, he has no doubt but the petitioner has a just claim for one third of a league of land; but he thinks it is not in the power of the Legislature, under the provisions of the Constitution, to grant the relief prayed for; and that unless the petitioner can establish his claim, before the District Court, there is no relief for him.

All of which, is respectfully submitted.

[Signed]

E. M. PEASE,
Chairman.

Report read and received, and together with the petition and bill, laid upon the table, to come up in their regular order.

Mr. Pease, Chairman of the committee on Public Lands, to whom was referred a bill, to be entitled An act, for the relief of assignees of Land Certificates; and, also, a bill, to be entitled An act, to provide for issuing Patents, on all good and genuine head-right Land Certificates—reported in relation thereto; which report was read and received, and, together with the bills, laid upon the table, to come up among the orders of the day.

[This report was not transcribed into the Journal of the seventh of April: and, the original being misplaced, a copy cannot be furnished.]

Mr. Pease, Chairman of the committee on Public Lands, also reported as follows:

*To the Honorable Speaker
of the House of Representatives:*

The committee on Public Lands, to whom was referred the petition of George F. Lawton—praying for a grant of one third of a league of land as a colonist, previous to the Revolution—and also, a bill, to be entitled An act for the relief of George F. Lawton; have considered the same, and do not find anything, alledged in the petition, that would justify the Legislature in granting the relief prayed for. They, therefore, ask to be discharged from the further consideration of the said

petition and bill; and recommend that the petitioner have leave to withdraw the same.

All of which is respectfully submitted.

[Signed]

E. M. PEASE,
Chairman.

Report read and received, and, together with the petition and bill, laid upon the table, to come up among the orders of the day.

Mr. Pease, Chairman of the committee on Public Lands, to whom was referred a bill, to be entitled An act, to provide for the issuing of Patents, to second, third and fourth Class claimants, reported in relation thereto; which report; together with the bill was laid upon the table, to come up with the orders of the day.

[This report was not transcribed into the Journal of the seventh of April, and the original being misplaced, a copy cannot be furnished for publication.]

Mr. Stewart introduced a bill to be entitled An act, creating the office, and defining the duties of Public Weighers.

Bill read a first time.

Mr. Stewart then moved, that the rule of the House, requiring bills to be read on three several days, be suspended.

Motion carried.

The bill was then read a second time; and

On further motion of Mr. Stewart, referred to the committee to whom was referred a bill, to be entitled An act regulating weights and measures.

By request, Mr. Pease was excused from serving longer on the committee on Public Lands.

On motion, the House then proceeded to the.

ORDERS OF THE DAY.

A bill to be entitled An act, to settle the conflicting rights between the counties of Victoria, De Witt, La Vaca, Jackson, Refugio and Calhoun—was taken up and

Read a third time.

Mr. Rose moved, to strike out the word "Refugio."

Motion carried.

The sense of the House was then taken, on the final passage of the bill, and

The bill was passed.

Mr. Bourland, Chairman of the Joint Select Committee to whom was referred a bill, to be entitled An act defining the duties of Comptroller of Public Accounts, of the State of Texas; reported thereon; which report was read and received, and

On motion of Mr. Bourland, adopted.

[No transcript was made of this report, and the original being misplaced, a copy cannot be furnished for publication.]

A bill to be entitled An act to provide for arranging, revising and digesting the laws of the State; was taken up and

Read a third time and passed.

A bill to be entitled An act to protect religious meetings; was taken up and

Read a third time and passed.

A bill to be entitled An act to legalize the acts of Chief and Associate Justices, while sitting as Boards of Land Commissioners; was taken up

Read a third time and passed.

A bill to be entitled An act prescribing further duties to County Courts; was taken up and

Read a third time.

Mr. Rose moved, that the bill be referred to the committee on Internal Improvements.

Motion lost.

Mr. White moved, that the bill be laid upon the table.

Motion lost.

Question. Shall the bill now under consideration of the House, be finally passed?

The House decided in the affirmative.

A bill to be entitled An act, to exempt two hundred and fifty dollars worth of household and other personal property from taxation; was taken up

Read a third time and passed.

A bill to be entitled An act to create the county of Hunt; was taken up

Read a third time and passed.

A Joint Resolution to provide for the destruction of the Exchequer Bills and Promissory Notes of the Government, was taken up

Read a third time and passed.

Mr. Clark moved, that the vote of the House, just taken on the final passage of the Joint Resolution, be reconsidered.

Motion carried.

On motion, the Joint Resolution was then laid upon the table.

A bill to be entitled An act to create the county of Denton; was taken up and

Read a second time.

On motion, the bill was passed to a third reading.

A bill to be entitled An act to authorize the payment of Government dues in gold and silver; was taken up and

Read a second time.

On motion of Mr. Howard, the bill was laid upon the table.

A bill to be entitled An act authorizing the institution of suits, against the Government; was taken up and

Read a first time.

A bill to be entitled An act to provide for the appointment of Patrols and to define their duties; was taken up and

Read a first time.

Mr. Eddy, one of the committee on Engrossed Bills, by leave, made the following report:

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives :*

The committee on Engrossed Bills, have examined a bill to be entitled An act, to establish the county of Cass; and find the same correctly Engrossed.

(Signed)

L. W. EDDY,
One of the Committee.

Report read and accepted.

The petition of Col. H. Grooms, having been made the special order, for ten o'clock to-day, was taken up and

Read.

On motion of Mr. Brown, the petition was referred to the committee on Claims and Accounts.

A bill to be entitled An act, to amend the registration laws of the Republic; was taken up—together with the amendments thereto, offered by the committee on the Judiciary.

Amendment read and adopted.

On motion of Mr. McNeill, the bill was then ordered to be engrossed.

Mr. Howard moved, that the vote of the House, just taken

on the Engrossment of the bill, be reconsidered.

Motion carried.

On motion of Mr. Stewart, the bill was laid upon the table, until to-morrow ten o'clock, A. M.

A bill to be entitled An act, to incorporate the Angelina Navigation Company; was taken up and

Read a second time.

Mr. Williams offered the following, as an amendment to the bill:

"That every person's boat may run the river and take all the freight they can get and *charge whatever they please.*"

Amendment rejected.

The question recurred then on the engrossment of the bill:

The yeas and nays were called, and stood follows:

Yeas. Messrs. Adams, Barry, Branch, Brown, Cazenau, Dickson, Durham, Echols, Edwards of Nacogdoches, Gray, Gillett, Gilliam, Gooch, Howard, Keenan, McClarty, McCown, McFarland, McNeill, Miller, Muckleroy, Mullens, Pattillo, Perry, Rayner, Sadler, Savage, Stewart, Smith of Rusk, Swift, Sublett, Truitt and Willie—33.

Nays. Messrs. Speaker, Bourland, Charlton, Clark, Cooke, Dupree, Erath, Holland, Irion, Mabry, Milican, Noble, Pease, Perkins, Railey, Redgate, Rose, Russell, Ryburn, Stevenson, White and Williams—22.

So the bill was ordered to be engrossed.

A bill to be entitled An act, to incorporate the Society of Free Masons—composed of Lodges and Chapters; was taken up and

Read a second time.

Mr. McCown moved, to amend the bill by filling the blank with the words "twenty-five thousand dollars."

Amendment adopted.

On motion, the bill was then ordered to be engrossed.

A bill to be entitled An act, to provide for the loss of Land Certificates; was taken up, together with the report of the committee on Public Lands, thereupon.

Report read and adopted.

On motion the bill was then ordered to be engrossed.

A bill to be entitled An act, to create the county of Newton; was taken up and

Read a second time.

On motion of Mr. Irion, the bill was ordered to be engrossed.

A bill to be entitled An act, for the relief of the heirs of

Samuel S. Sheffield; was taken up—together with the report thereon, made by the committee on Public Lands, recommending that the bill be laid upon the table.

Report read and adopted.

A bill to be entitled An act, regulating appeals to the Supreme Court; was taken up together with the amendments thereto, offered by committee on the Judiciary.

Amendments read and adopted.

Mr. Miller moved, that the sixth amendment be rejected. Motion lost.

Mr. Gray offered the following as an amendment to the bill:

Add, at the end of the first section, the following: "Except, also, in cases where the punishment is less than capital; or less than imprisonment for six months; or less than a fine of five hundred dollars. But, in all cases coming under these exceptions, if the Judge is of opinion that there are questions of law, novel or difficult; then he may allow an appeal, as hereinafter prescribed."

Mr. Russell moved, that the bill and amendment be laid upon the table.

Motion lost.

Mr. Pease offered the following, as an amendment to Mr. Gray's amendment:

Strike out the first seven lines of the amendment, and insert in lieu thereof, the words "except, also, in cases where the punishment imposed, is imprisonment for less than three months; or a fine of less than one hundred dollars."

Amendment adopted.

The question then recurred, on the adoption of Mr. Gray's amendment, as amended.

The yeas and nays were called, on the question pending, and stood as follows:

Yeas. Messrs. Barry, Cazenau, Cronican, Edwards of Nacogdoches, Edwards of San Augustine, Gray, McNeill, Miller, Mullens, Pease, Perry, Sadler, Stevenson, Stewart, Truitt and White—16.

Nays. Messrs. Speaker, Adams, Branch, Bourland, Brown, Charlton, Clark, Cooke, Dickson, Dupree, Durham, Eddy, Gooch, Howard, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, Milican, Muckleroy, Mullens, Pattillo, Perkins, Railey, Rayner, Redgate, Rose, Russell, Savage, Smith of Harris, Smith of Rusk, Swift, Sublett and Williams—37.

So the amendment was rejected.

Mr. White offered the following, as an additional section to the bill:

Be it further enacted, That, in all cases, above mentioned, the state shall be entitled to appeal, under the same regulations as provided for, in this act, to the party accused.

Amendment rejected.

On motion, the bill was then ordered to be engrossed.

Mr. Branch moved, that the House adjourn, until to-morrow morning, nine o'clock.

Motion lost.

On motion of Mr. Charlton, the House adjourned until three o'clock, P. M.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Bourland, Brown, Charlton, Clark, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Erath, Gray, Gilliam, Gooch, Holland, Hudson, Irion, Mabry, McClarty, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo, Pease, Perkins, Perry, Railey, Rayner, Redgate, Rose, Russell, Sadler, Savage, Smith of Harris, Smith of Rusk, Truitt, White and Willie.

A quorum being present the House proceeded to business.

A bill to be entitled An act, for the protection of the Christian Sabbath; was taken up and

Read a second time.

Mr. Echols moved, that the bill be engrossed.

Mr. Willie moved, that the bill be laid upon the table.

Motion lost.

Mr. Barry moved, to amend the bill, by striking out the words "or for pastime or amusement, without any bet or wager."

Amendment adopted.

Mr. Rayner moved, that the bill be laid upon the table, until the first of August.

The yeas and nays were called, on the adoption of Mr. Rayner's motion; and stood as follows:

Yeas. Messrs. Adams, Cronican, Dupree, Durham, Erath, Jones, McCulloch, Pattillo, Pease, Railey, Rayner, Rose, White and Willie—14.

Nays. Messrs. Speaker, Barry, Branch, Bourland, Brown, Cazenau, Charlton, Clark, Dickson, Echols, Eddy, Gray, Gilliam, Gooch, Howard, Hudson, Keenan, Mabry, McCown, McFarland, McNeill, Miller, Milfean, Muckleroy, Mullens, Noble, Perkins, Perry, Redgate, Russell, Sadler, Savage, Smith of Harris, Smith of Rusk, Swift and Truitt—37.

So the motion was lost.

Mr. Rose moved, that the bill be re-committed to the committee on the Judiciary.

Motion lost.

Mr. Branch moved, that the eighth section of the bill be stricken out.

Mr. Bourland moved, the previous question.

On motion of Mr. Rose, a call of the House was made.

Mr. Echols moved that the House adjourn until nine o'clock, to-morrow morning.

Motion lost.

On motion of Mr. Clark, a further call of the House was suspended.

Mr. Clark then moved, that the bill be laid upon the table, until Saturday, ten o'clock, A. M.

Motion carried.

On motion of Mr. Clark, the vote of the House just taken, on the motion to lay the bill on the table, was reconsidered; and

On motion of Mr. Gray, the bill was referred to the committee on the Judiciary.

A bill to be entitled An act, requiring the Governor to remain at the Seat of Government; was taken up—together with the report thereon, made by the committee on State Affairs.

Report read and adopted.

The bill was then read and laid upon the table.

A bill to be entitled An act, to authorize the Governor to employ a Private Secretary; was taken up—together with the report thereon, made by the committee on State Affairs.

On motion of Mr. Howard, the report was laid upon the table.

Mr. Pease offered the following, as an amendment to the bill:

After the word "Secretary," insert the words "during the session of the Legislature; and he shall receive for his services, the same *per diem* pay, as the Clerks of the House of Repre-

sentatives. And that this act, shall take effect from and after its passage."

Amendment read and adopted.

On motion of Mr. Bourland, the bill was then ordered to be engrossed.

A bill to be entitled An act, to authorize the Commissioner of the General Land Office, to issue patents in certain cases was taken up and

Read a second time.

On motion of Mr. McNeill, the bill was laid upon the table.

A bill to be entitled An act, to prohibit free Negroes from settling in this State, South of thirty-six degrees thirty minutes—was taken up, together with the report thereon, made by the committee on State Affairs.

Report read and adopted.

Mr. Gilliam offered the following, as an amendment to the bill:

"Except in such cases as may be hereafter, provided for by law."

Amendment rejected.

Mr. Pease moved to amend the bill as follows:

"Except such as were living in Texas at the date of the Declaration of Independence; and, as such, have been permitted by special statute, to remain in Texas."

Amendment read and adopted.

Mr. Rose offered the following, as an amendment to the bill:

"Such free negro shall be bound out, as an apprentice, for a term not exceeding fourteen years, at the discretion of the Court. And it shall be the duty of the Chief Justice of the county, in which any free person of color, shall be convicted and sentenced, under the provisions of this section, immediately after the adjournment of the Court which has tried the offence, to give twenty days' notice, by publication in the nearest newspaper, that he will, on a day specified, proceed to bind out, to the highest bidder, such free person of color; for the term indicated by the sentence of the Court—taking bond and security for the good behavior of said apprentice; for his support and humane treatment; and for the prompt and faithful payment of a proportional amount of the sum for which said apprentice has been bound, on a certain day, annually."

Amendment read and adopted.

On motion of Mr. Bourland, the bill and amendments were referred to the committee on the Judiciary.

A bill to be entitled An act, to restore lands sold for taxes,

to their former owners; was taken up, together with the report thereon, made by the committee on Finance.

Report read and adopted.

On motion of Mr. Willie, the caption of the bill was amended as follows:

An act to restore to the former owners, the lands sold for taxes and bid in by the Government.

Mr. Clark moved, that the bill be laid upon the table, until Friday ten o'clock, A. M.

Motion lost.

The yeas and nays were then called, on the engrossment of the bill, and stood as follows:

Yeas. Messrs. Barry, Branch, Bourland, Brown, Cazenau, Charlton, Clark, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Eddy, Erath, Gillett, Gilliam, Gooch, Howard, Irion, Jones, Keenan, Mabry, McClarty, McNeill, Milican, Muckleroy, Mullens, Pattillo, Pease, Perkins, Perry, Railey, Rayner, Russell, Ryburn, Sadler, Smith of Rusk, Sublett and Willie—37.

Nays. Messrs. Speaker, Cronican, Edwards of San Augustine, Gray, Hudson, McCown, McFarland, Miller, Noble, Redgate, Savage, Stewart, Smith of Harris, Truitt, White and Williams—17.

So the bill was ordered to be engrossed.

A message was received from the Senate, informing the House of the passage of the following bills, by that body.

A bill to be entitled An act, to designate and officially name the persons, who shall be conservators of the peace.

A bill to be entitled An act, requiring Notaries Public, to procure seals of office.

A bill to be entitled An act, to define the duties of Secretary of State.

A bill to be entitled An act, for the relief of purchasers of Town, City or other lots, from the Republic of Texas.

A bill to be entitled An act, to regulate motions for the cost, in civil actions; and

A bill to be entitled An act, to provide for serving Writs or other process, upon Sheriffs.

A bill to be entitled An act, to provide for the trial and punishment of crimes and misdemeanors, committed by slaves and free persons of color; was taken up, together with the substitute therefor, offered by the committee on the Judiciary.

Substitute read and adopted.

On motion, the bill was then ordered to be engrossed.

A bill to be entitled An act, to provide for the registration

of the separate property of married women; was taken up, together with the report of the committee on the Judiciary, thereupon—offering a substitute for the original bill.

Substitute read and adopted.

Mr. Gilliam moved, to amend the bill as follows—

"Be it further enacted, That all registrations of the wife's separate property, which have been made heretofore, shall be deemed good and valid, under this act: Provided, said registrations were made in accordance with the laws then in force."

Amendment read and adopted.

On motion of Mr. Dupree, the bill was then ordered to be engrossed.

A bill to be entitled An act, to incorporate the town of Bonham, in Fannin county; was taken up, together with the amendments thereto, offered by the committee on the Judiciary.

Amendments read and adopted; and

On motion of Mr. McFarland, the bill was ordered to be engrossed.

On motion of Mr. Russell, the House adjourned until to-morrow nine o'clock, A. M.

HOUSE OF REPRESENTATIVES,

CITY OF AUSTIN, WEDNESDAY,

April 8th 1846.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Brown, Charlton, Clark, Cooke, Cronican, Dickson, Dupree, Durham, Echols, Edwards of San Augustine, Eddy, Erath, Gilliam, Gooch, Holland, Irion, Keenan, Mabry, McClarty, McCown, McCulloch, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Pattillo, Pease, Perkins, Perry, Railey, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Stevenson, Stewart, Smith of Rusk, Swift, Sublett, Truitt, White and Willie.

A quorum being present, the House proceeded to business. The Journal of the preceding day was read and adopted.

Mr. Gray, Chairman of the committee on the Judiciary, made the following report:

*To the Honorable W. E. Crump,
Speaker of the House of Representatives:*

The committee on the Judiciary have considered a bill, to be entitled An act, to provide for the payment of a part of the debt of Liberty county, by the counties of Polk and Tyler; and instruct me to report the enclosed substitute therefor—the adoption and passage of which they recommend.

[Signed]

P. W. GRAY,
Chairman.

Report read and received, and, together with the bill and substitute, laid upon the table, to come up with the orders of the day.

Mr. Gray, Chairman of the committee on the Judiciary, also made the following report:

[This report was made in relation to a bill, to be entitled An act, to provide for raising a Jury Fund. The original being misplaced, and not transcribed into the Journal of the eighth of April, a copy cannot be furnished for publication.]

Report read and received, and laid upon the table, to come up with the orders of the day.

Mr. Burroughs, in behalf of a minority of the committee on the Judiciary, made a report, in relation to the bill, to provide for raising a Jury Fund—counter to that made by the chairman, in behalf of the majority of said committee; which was read and

On motion of Mr. Bourland, laid upon the table, to come up with the report of the majority of the committee.

[This report, also, was not transcribed into the Journal; and, the original cannot be found—consequently a copy cannot be furnished for publication.]

Mr. Stewart, chairman of the committee on Finance, made the following report:

COMMITTEE ROOM, }
March 7th 1846. }

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

Your committee of Finance, to whom was referred a bill, to

be entitled An act, organizing County Courts, have had the same, (or so much thereof as was referred to them,) under consideration.

A majority of the committee have instructed me to report the following, as a substitute for the eighth section of the bill, and to recommend its adoption by the House:

Be it further enacted, That the County Courts shall levy and cause to be collected, by the same persons and in the same manner, as is provided for the collection of the State revenue, and paid into the Treasury of their respective counties, a tax equal to one third of the amount assessed for the State.

A minority of the committee, including Mr. H. W. Sublett and the undersigned, *dissent from this report*, and recommend that the county tax be laid at one fourth of that of the State—esteeming that rate as high, taking into consideration the increased taxation necessary to the support of the State Government, as it is expedient to levy at this time.

The committee further recommend, that the ninth section of the bill be stricken out—the purposes of which, are contained in the substitute recommended—and that the enumeration of the succeeding sections, be so changed as to correspond.

All of which is respectfully submitted.

[Signed]

C. B. STEWART,
Chairman.

Report read and received, and, together with the bill and amendments, laid upon the table, to come up with the orders of the day.

Mr. Rose, one of the committee on Finance, made the following report:

*To the Honorable Speaker
of the House of Representatives:*

The committee on Finance, to whom was referred sundry bills, relating to the duties of County Treasurer—having considered the same instruct me to report the enclosed substitute, which they believe, contains all that is important or necessary, on this subject—and respectfully recommend its passage.

(Signed)

JNO. W. ROSE,
One of the Committee.

Report read and received, and, together with the bill and substitute, laid upon the table, to come up with the orders of the day.

Mr. Clark, chairman of the committee on Internal Improvements, made the following report:

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The committee on Internal Improvements, to whom was referred a bill, to be entitled An act, to incorporate the La Vaca and Rio Grande Rail Road Company, have examined and considered the same; and instruct me to report said bill back to the House, with the recommendation, that it be laid upon the table.

[Signed]

E. CLARK,
Chairman.

Report read and received, and together with the bill, laid upon the table, to come up with the orders of the day.

Mr. Stewart, chairman of the committee on Finance, made the following report:

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The committee on Finance, to whom was referred a bill, to be entitled An act, to authorize the Governor, to pay expenses, (of persons) employed to circulate the law, providing for the election of Representatives to the Congress of the United States, have had the same under consideration; and have instructed me to report the same to the House, without amendment, and to recommend its passage.

[Signed]

CHARLES B. STEWART,
Chairman.

Which report was read and adopted.

Mr. Mabry, chairman of a Select Committee, made the following report:

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The Select Committee to whom was referred a bill, to be entitled An act, to establish the Judicial Districts of the District Court, have considered the same; and have directed me to report the bill back to the House, with the following amendments, to wit:

FIRST. In the fifth section of the bill, strike out the word "and," before the word "Harrison;" and, after the word "Harrison," insert the words "and Cass."

SECOND. In the eighth section of the bill, strike out the word "Cass."

With which amendments, the committee recommend the passage of the bill—Mr. Sublett dissenting to this report:

All of which, is respectfully submitted.

April 7th 1846.

[Signed]

E. MABRY,

Chairman.

Report read and adopted, and the bill laid upon the table to come up with the orders of the day.

Mr. Holland introduced the following Resolution:

Resolved, That the Legislature, on the ———— day of April, will proceed to the election of District Attorneys—in the order in which the same may be numbered:

Resolution read and laid upon the table, one day, for consideration.

Mr. Irion introduced a bill, to be entitled An act, for the relief of Thomas Johnson and James Webb—with accompanying Document.

Bill read a first time.

Mr. Stewart introduced a bill, to be entitled An act, imposing penalties upon all persons, selling by false weights or measures, for deceiving the purchaser in the article sold; and for "*plattin*g" cotton or other articles.

Bill read a first time.

Mr. Dickson introduced a bill, to be entitled An act, requiring the county of Grimes to pay a portion of the debt of Montgomery county.

Bill read a first time.

Mr. Charlton introduced a bill, to be entitled An act, requiring the Courts of Tyler county to be holden at Town Bluff, in said county, until the county site be permanently located.

Bill read a first time.

Mr. Cooke introduced a bill, to be entitled An act, concerning fraudulent Land Certificates.

Bill read a first time.

Mr. Cooke also introduced a bill to be entitled An act, to repeal a part of the first section, and the whole of the fourth and fifth sections of an act, supplementary to an act, to detect fraudulent Land Certificates, and to provide for the issuing of Patents to legal claimants—approved, February fourth eighteen hundred and forty-one.

Bill read a first time.

On motion of Mr. Miller, the committee on Claims and Ac-

counts were instructed, to act with the like committee of the Senate, on the claim of Gen. G. W. Terrell.

On motion of Mr. Dickson the House then proceeded to the

ORDERS OF THE DAY.

A bill to be entitled An act, to provide for serving Writs or other process, upon Sheriffs; was taken up and

Read a first time.

A bill to be entitled An act, to define the duties of Secretary of State; was taken up and

Read a first time.

A bill to be entitled An act, to designate and officially name, what officers shall be conservators of the peace; was taken up and

Read a first time.

A bill to be entitled An act, to require Notaries Public, to procure seals of office; was taken up and

Read a first time.

A bill to be entitled An act, for the relief of purchasers of city or other lots purchased from the Government; was taken up and

Read a first time.

A bill to be entitled An act, to regulate motions for cost; was taken up and

Read a first time.

A bill to be entitled An act, to authorize the institution of suits against the State; was taken up and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill to be entitled An act, to create the county of Denton; was taken up

Read a third time and passed.

A bill to be entitled An act, to provide for the appointment of Patrols, and defining their duties; was taken up and

Read a second time.

On motion of Mr. Mabry, the bill was referred to the committee on State Affairs.

Mr. Dickson moved, to suspend the rule, and take up a bill, to be entitled An act, to organize the Judicial Districts of the District Court.

Motion lost.

A bill to be entitled An act, creating the county of Cass; was taken up and

Read a third time.

Mr. Russell offered the following, as an amendment to the bill:

Strike out the word "Captain Rose," and insert in lieu thereof of "William P."—Also strike out the word "Billy," before "Mahone," and insert in its stead, the word "William."

Amendment adopted.

The sense of the House was then taken, on the final passage of the bill, and

The bill was passed.

A bill to be entitled An act, to amend the registration laws; was taken up—together with the amendments thereto, proposed by the committee on the Judiciary.

Amendments read and adopted; and

On motion, the bill was ordered to be engrossed.

A bill to be entitled An act, requiring the Commissioner of the General Land Office, to issue Patents upon unconditional head right Certificates for land; was taken up—with the report thereon, made by the committee on Public Lands.

Report read and adopted.

Mr. Willie offered the following, as an amendment to the bill:

Patents shall be, in like manner issued to all owners of head-right certificates, of the ~~First~~ ^{Best} Class—issued by the Boards of Land Commissioners, since the fourth of February, eighteen hundred and forty one.

Mr. Rose moved that the bill and amendment be referred to the committee on the Judiciary.

Motion carried.

A message was received from his Excellency, the Governor, informing the House, that he had approved and signed the following acts:

An act creating the county of Grimes.

An act to establish the county of Walker.

An act to create the county of La Vaca.

An act to create the county of Wharton.

An act to locate the county seat of Wharton county.

An act to authorize the Governor to fill certain vacancies, that may hereafter occur; and

An act to incorporate the Grand Lodge of the Independent Order of Odd Fellows.

Mr. Dickson introduced the following Resolution:

Resolved, That the committee on Finance be; and they are hereby requested, to report back to the House, with such suggestions as they may think proper to make, a bill to be entitled An act, to define the duties of Assessors of Direct Taxes and other revenue of the State; and, also, a bill to be entitled An act, to define the duties of Collectors of Direct Taxes and other revenue of the State, and that said report be made on tomorrow.

Resolution read and

On motion of Mr. Gillett, laid upon the table.

A bill to be entitled An act, for the relief of John Karner; was taken up and

Read a second time.

On motion of Mr. Irion, the bill was ordered to be engrossed.

A bill to be entitled An act, to provide for issuing Land Certificates; was taken up together with the substitute therefor, offered by the committee on Public Lands.

Substitute read and adopted.

On motion of Mr. Willie, the bill was referred to the committee on the Judiciary.

A bill to be entitled An act, for the relief of G. F. Lawton; was taken up together with the report of the committee on Public Lands—recommending that the bill be laid upon the table.

Report read and adopted.

A bill to be entitled An act, to legalize the various seals of the General Land Office; was taken up, together with the substitute therefor, offered by the committee on Public Lands.

Substitute read and adopted.

On motion, the bill was then ordered to be engrossed.

A bill to be entitled An act, to establish and incorporate the town of Corpus Christi; was taken up and

Read a second time; and

On motion of Mr. Branch, ordered to be engrossed.

A bill to be entitled An act, to prevent the removal or running of property, held by mortgage, to the injury of the mortgagee or his creditors; was taken up and

Read a second time.

On motion of Mr. Clark, the bill was referred to the committee on the Judiciary.

A message was received from the Senate, informing the House of the passage of the following bill, by that body:

A bill to be entitled An act, to organize the District Courts.

Mr. Cooke presented the petition of the citizens of Spring-

field, Limestone county—praying for relief—with accompanying Documents.

Mr. Cooke introduced a bill to be entitled An act, for the relief of the citizens of Springfield, Limestone county.

Bill read a first time.

Mr. Cooke moved, that the rule of the House, requiring bills to be read on three several days, be suspended.

Motion carried.

The bill was then read a second time and

On motion of Mr. Cooke, referred, with the petition and Accompanying Documents, to a Select Committee.

The Speaker appointed Messrs. Cooke, Mr. Aleroy, Gooch, Truitt and Hudson, to compose said committee.

A bill to be entitled An act, to declare what officers shall give certificates of election, in Senatorial elections, or Districts, composed of more than one county; was taken up and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill to be entitled An act, to establish the office of Public Administrator; was taken up and

Read a second time.

On motion of Mr. Rose, the bill was referred to the committee on the Judiciary.

A Joint Resolution, concerning mail contractors; was taken up and

Read a second time.

Mr. Willie moved, that the Joint Resolution be referred to the committee on State Affairs.

Motion lost.

On motion of Mr. Sadler, the Joint Resolution was ordered to be engrossed.

A bill to be entitled An act, for the relief of the widow and children of Kenneth L. Anderson, deceased; was taken up and

Read a second time.

On motion of Mr. Edwards of San Augustine, the bill was referred to the Select Committee that was appointed to investigate the claims of Travis G. Brooks.

A bill to be entitled An act, for the relief of William A. Burnes; was taken up and

Read a second time.

On motion of Mr. Cooke, the bill was referred to the committee on Public Lands.

A bill to be entitled An act, to have surveyed the lines be-

tween the counties of Robertson and Limestone; Limestone and Leon; Limestone and Navarro; was taken up and

Read a second time.

On motion of Mr. Adams, the bill was ordered to be engrossed.

A bill to be entitled An act, to prevent the sacrifice of real Estate; was taken up and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill to be entitled An act, to prevent the bringing into this State, slaves who have been guilty of certain crimes; was taken up and

Read a second time.

On motion of Mr. Cooke, the bill was referred to the committee on State Affairs.

A bill to be entitled An act, to wind up and close the Treasury of the late Republic of Texas; was taken up and

Read a second time.

On motion of Mr. Russell, the bill was referred to the committee on Finance.

A bill to be entitled An act, to authorize the Treasurer to settle with defaulting Sheriffs; was taken up and

Read a second time.

On motion of Mr. Perkins, the bill was referred to the committee on Finance.

A bill to be entitled An act, to incorporate the City of Austin; was taken up and

Read a second time.

On motion, the bill was referred to the committee on State Affairs.

The Resolution, (introduced on a previous day,) for the dispatch of business, as contemplated by the Constitution, and then to adjourn *sine die*; was taken up and

Read and adopted.

A bill to be entitled An act, to organize the Judicial Districts of the District Court; was taken up, together with the report thereon, made by the Select Committee.

Mr. Bourland moved, that the report be adopted.

The yeas and nays were called, on the adoption of the report, and stood as follows:

Yeas. Messrs. Speaker, Barry, Branch, Bourland, Brown, Cazenau, Cooke, Cronican, Dupree, Eddy, Erath, Gillett, Gooch, Howard, Hudson, Irion, Jones, Mabry, McClarty, McCulloch,

McFarland, McNeill, Miller, Mullens, Pease, Perkins, Perry, Redgate, Rose, Ryburn, Sadler, Stevenson, Swift and Willie—35.

Nays. Messrs. Burroughs, Charlton, Clark, Dickson, Echols, Edwards of San Augustine, Gray, Holland, Keenan, McCown, Milican, Muckleroy, Noble, Ogden, Railey, Rayner, Russell, Savage, Stewart, Smith of Rusk, Sublett, Truitt, White and Williams—24.

So the report was adopted.

Mr. Clark moved, to amend the bill, by striking out, after the words "to wit," and inserting the words, Sabine, San Augustine, Shelby, Panola, Rusk, Upshur and Harrison."

The yeas and nays were called, on the adoption of the amendment proposed by Mr. Clark, and stood as follows:

Yeas. Messrs. Clark, Gillett, Holland, McCown, Noble, Pease, Russell, Sadler, Stevenson, Swift and Truitt—11.

Nays. Messrs. Speaker, Adams, Barry, Branch, Bourland, Brown, Burroughs, Cazenau, Charlton, Cooke, Cronican, Dickson, Dupree, Durham, Edwards of San Augustine, Eddy, Erath, Gray, Gilliam, Gooch, Holland, Howard, Hudson, Irion, Jones, Keenan, Mabry, McClarty, McCulloch, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Ogden, Perry, Railey, Rayner, Redgate, Rose, Ryburn, Savage, Stewart, Smith of Rusk, Sublett, White, Williams and Willie—49.

So the amendment was rejected.

Mr. Clark moved, to strike out the words, "Cass county.

Amendment rejected.

Mr. Clark then moved to insert "Upshur."

Amendment rejected.

On motion of Mr. Dickson, the bill was then passed to its third reading.

On motion of Mr. Sublett, the House adjourned until to-morrow, nine o'clock, A. M.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, THURSDAY, }
April 9th 1846. }

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Brown, Charlton, Clark, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gooch, Holland, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, Miller, Milican, Muckleroy, Mullens, Noble, Perry, Railey, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Truitt, White and Williams.

A quorum being present, the Journal of the preceding day was read and adopted.

Mr. Dupree presented the petition of Charles B. Snow.

Petition read.

Mr. Irion moved, that the petition be referred to a Select Committee.

Motion lost.

On motion of Mr. Russell, the petition was referred to the committee on Claims and Accounts.

Mr. Gray, chairman of the committee on the Judiciary, made the following report:

COMMITTEE ROOM, }
April 9th 1846. }

*To the Honorable Speaker
of the House of Representatives :*

The committee on the Judiciary have considered a bill, to be entitled An act, to prohibit free negroes from settling in this State—South of latitude thirty-six degrees thirty minutes; and instruct me to report, that they deem the enactment of some law, of this character, to be imperiously demanded by the dictates of self-preservation. It is only by *such means* that we can prevent the immigration of incendiaries, dangerous to the peaceful maintenance of our servile institutions.

Some of the committee believe, that the provisions of this bill, as amended in committee, are not stringent enough—others deem them *too much so*. A majority of the committee, however, recommend the adoption of the following amendments and the passage of the bill, as amended.

The amendments proposed, are as follows:

FIRST. Add to the first section of the bill, the words "except such as were residing in Texas, at the date of the Declaration of Independence; and children born since that time, of parents who were both residents of the country at that time. And,

also, such as have been, or may be, permitted by special statute, to reside in Texas."

SECOND. In the first line of the second section, before the word "thirty," insert the words "a voluntary residence of."

THIRD. In the last line of the third section, strike out the words "into bondage for life," and insert in lieu thereof, the words "by the Sheriff, at public auction, as bondmen for fourteen years."

FOURTH. In the last lines of the fourth section, strike out the words, "go one half to the county, and the other half to the State," and insert in their stead, the words "be paid by the Sheriff, into the county Treasury."

FIFTH. Strike out all of the fifth section.

[Signed]

P. W. GRAY,

Chairman.

Report read and received, and together with the bill, laid upon the table, to come up with the orders of the day.

Mr. Gray, chairman of the committee on the Judiciary, also made the following report:

COMMITTEE ROOM, }
April 9th 1846. }

To the Honorable Speaker

of the House of Representatives:

The committee on the Judiciary have considered a bill, to be entitled An act to provide for the publication of the laws; and instruct me to report the following amendments thereto:

FIRST. In the first and second lines of the third section, strike out the words "twenty-five hundred," and insert in lieu thereof, the words "two thousand."

SECOND. In the twenty-second line of the 5th section, after the words "United States," insert the words "also, a copy of the Colonization Laws of Mexico, and of the State of Coahuila and Texas; and the Land Laws, of a general nature, enacted by the Congress of the Republic of Texas."

THIRD. Add the following, as the sixth section of the bill:

SECTION SIXTH. *Be it further enacted*, That it shall be the duty of the Secretary of State, after the publication of the laws of each session of the Legislature, to forward one copy thereof to the Governor of each State of the Union; three copies to the Librarian of Congress; one copy to the Secretary of State of the United States; and, also, one copy of the laws and such other surplus printed Documents, as may be on hand,

to each foreign Library, or Government, with whom a system of Literary Exchanges may be established.

With these amendments, the committee recommend the passage of the bill.

[Signed]

P. W. GRAY,
Chairman.

Report read and received, and, together with the bill, laid upon the table, to come up with the orders of the day.

Mr. Gray, chairman of the committee on the Judiciary, also reported as follows:

[This report was made in relation to a bill, to be entitled An act for the protection of the Christian Sabbath; the original of which has been misplaced, and no transcript having been made into the Journal of the ninth of April, a copy cannot be furnished for publication.]

Mr. Clark, chairman of the committee on State Affairs, made the following report:

COMMITTEE ROOM, }
April 9th 1846. }

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives :*

The committee on State Affairs, have examined a bill to be entitled An act, to authorize Inglis Oliver to reside permanently, in the State; and have made the following amendments thereto:

In the third line of the first section, between the words "permanently" and "in," insert the words "Red River County."

In the second section, strike out all after the word "be," in the third line, and insert in lieu thereof, the words "entitled to the benefit."

Fill the blank, in the same section, with the word "five;" and insert after the word "dollars," in the eighth line of the same section, the words "payable to the Judge of the County Court of Red River County, and his successors in office."

With these amendments, they return said bill to the House, and recommend its passage.

[Signed]

E. CLARK,
Chairman

Report read and received, and, together with the bill, laid upon the table, to come up with the orders of the day.

Mr. Clark, chairman of the committee on State Affairs, also made the following report:

COMMITTEE ROOM, }
April 9th 1846. }

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee have considered a bill, to be entitled An act, to authorize the opening and construction of a Turnpike road from the City of Houston, to the town of Brenham; and have amended it as follows:

Add to the fourth section, the words "which compensation shall be fixed by the County Court, of the county where the land may lie; or where the said timber and other materials are used."

Add the following to come in as the sixth section of the bill:

SECTION SIXTH. *Be it further enacted*, That the said Company may erect as many Turnpike gates as they may think proper; but shall only charge the same person or persons, at one of said gates: *Provided*, They shall have the right of charging the above rates, as well for a part of the distance of said road, as for the whole distance.

Add the following, to come in as the seventh section of the bill:

SECTION SEVENTH. *Be it further enacted*, That if any person or persons; shall travel upon said road—or drive any wagon, or loose horse or horses or cattle, upon said road without paying the toll above alluded to or or shall injure, in any manner, the said Turnpike road, they shall be liable to said Company, in an action of damages, before any court of competent jurisdiction.

Add, also, the following to come in as the eighth section of the bill:

SECTION EIGHTH. *Be it further enacted*, That the said company shall keep persons in attendance, at such gates as they may establish on said road; in order that persons travelling thereon, may suffer no detention or hindrance. And should any person or persons, using said road, suffer any detention or inconvenience, in consequence of the negligence, or improper conduct, of said company or their agents; said company shall be liable, to such person or persons, in an action of Damages, before any court of competent jurisdiction.

Change sections six, seven, and eight, of the bill, to sections nine, ten and eleven.

With these amendments, the committee return said bill, and ask for it, the favorable consideration of the House.

[Signed]

E. CLARK,
Chairman.

Report read and received, and together with the bill, laid up-
on the table, to come up with the orders of the day.

Mr. Brown, chairman of the committee on Privileges and Elections, made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on Privileges and Elections, to whom was referred a bill, to be entitled An act regulating elections; have considered the same, and instruct me to report the enclosed substitute for the bill, and to recommend its adoption, in lieu of the original.

All of which, is respectfully submitted.

(Signed)

JNO. BROWN,
Chairman.

Report read and received, and the substitute adopted.

Mr. Dickson, chairman of a Select Committee, made the following report.

COMMITTEE ROOM, }
April 8th 1846. }

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The undersigned committee, to whom was referred a Joint Resolution, instructing our Senators and requesting our Representatives, in the Congress of the United States, to procure the establishment of certain mail routes; have had the same under consideration, and have instructed me to make the following report:

In route No. one. Strike "Lowes Ferry" out of the first line and insert in lieu thereof, "Fort Jessup." After "Franklin," insert "Tinnin's Hill;" and, in the last line, strike out "Sabine Town," and insert in its stead, "Gaines' Ferry."

In route No. three. After "Washington," insert "Jacksonville."

In route No. six. Strike "Columbia," out of the first line, and insert "Columbus."

Route No. seven. Strike out all of the original, and insert the following, as a substitute therefor:

"From Douglass to Clarksville, via Golden Drain, Henderson, Cherokee Crossing, county Seat of Upshur county, Titus Court-House, Morton's and Humphrey's to Clarksville."

Route No. eight. Strike out the original and insert the following, as a substitute therefor:

"From San Augustine to Shreveport *via* Shelbyville, Logansport and Summer Grove."

In route No. eleven. Strike out "La Vaca," and insert "Indian Point," in its stead.

Route No. thirteen. Strike out the original, and insert in lieu thereof, the following:

"From La Grange to Galveston, *via* Fret's P. O. on Cumming's Creek, Columbus, Egypt, Peach Creek, Wharton C. H., Preston, Caney Creek, Matagorda and Velasco."

Route No. fourteen. Strike out the original and insert the following, as a substitute therefor:

"From Galveston to Matagorda, *via* Virginia Point, Alexander Farmus', on Dickinson's Bayou, Liverpool, Brown's P. O., Hinds' P. O., Columbia, Brazoria and Elbert Thompson's on Caney Creek."

In route No. seventeen. Insert after "Medlin's," in the first line "Gilmer in Upshur County."

Route No. twenty-one. Strike out the original, and insert the following, in lieu thereof:

"From Lyons (La.) to Houston, *via* Mount Holland, Pattillo's, Beaumont, Liberty, West Liberty and Penn's, to Houston."

In route No. twenty-five After "Washington," insert "Price's;" and after "Franklin," insert "Alta Springs."

Route No. twenty-seven. Strike out the original, and insert the following, as a substitute therefor:

"From Sabine Town to Panthorp's, *via* Jasper, Bevilport, Mott's Ferry, Ratcliff's, Nelson's, Green's, Criswell's, Swartwout and Huntsville, to Panthorp's."

Route No. twenty-eight. Insert the following, as a substitute for the original:

"From Austin to Texana, *via* O'Connell's, Cedar Creek, Hardeman's, Wood's, Mrs. Hallett's, and McHenry's."

Route No. twenty-nine. From San Augustine to Zavalla.

Route No. thirty. From Austin to Gonzales, *via* Plum Creek.

Route No. thirty-one. From Nacogdoches to Dallas, *via* Douglass, Rusk, Sabine, Buffalo, Four-mile Prairie and Kingsborough.

Route No. thirty-two. From Sabine Town to Henderson, *via* Hamilton, Shelbyville and C. Johnson's.

Route No. thirty-three. From Crockett to Henderson, *via* San Pedro, Joni Village, Morton's, Anderson C. H. and Smith county C. H.

Route No. thirty-four. From Henderson to Shreveport, via Pecan Town and Panola C. H.

Route No. thirty-five. From Mount Mourn to Douglass.

Route No. thirty-six. From Fort Towson, (Ark's) to Springfield, in Navarro county, Texas, via Pine Bluff, Dr. Davis', Paris, Mount Vernon, Prince's, Tarrant's and Town Bluff.

Route No. thirty-seven. From Alexandria, (La.) to Ratcliff's via Bun's Ferry, Williams' P. O., Holmes', Jasper P. O., W. Pamplin's and Town Bluff.

Route No. thirty-eight. From Shreveport to Angelina C. H. via Greenwood, N. B. Jones', Port Caddo, Marshall, Walling's Ferry, Henderson, in Rusk county, and Nacogdoches.

Route No. thirty-nine. From Henderson to Dallas, via Tyler, in Smith county, and Henderson county C. H.

Route No. forty. From Henderson, in Rusk county, to Rusk C. H., in Cherokee county.

Route No. forty-one. From Shelbyville via James Tippet's, in Panola county, Panola C. H., Pulaski, Samuel Parry's and Mount Mourn, to Marshall.

Route No. forty-two. From Oppelousas, (La.) to Fanthorp's via Salem, Taylor's, Richardson's, Swartwout, Raven Hill, Carothers', Danville, Lone Oak, Montgomery, Shannon's, Rusk and Groce's Retreat.

In route No. ten. After "Huntsville," insert "Carothers' Danville and Lone Oak."

Route No. twenty. Amend route No. twenty, so as to make it read, "From Washington to Crockett via Fanthorp's, Beall's P. O., Mitchell's P. O. and Robbins' Ferry."

In route No. nine. After "Liberty," insert "Chambersia."

All of which, is respectfully submitted.

[Signed]

DAVID C. DICKSON,

Chairman.

Report read and received.

On motion of Mr. Bourland, the rule of the House, requiring reports of committees, with bills, to lie on the table to come up with the orders of the day, was suspended; and the bill was taken up.

Mr. Clark moved to amend the bill, by striking out "Cypress" and inserting "Upshur," in lieu thereof.

Amendment adopted.

Mr. Bourland moved to amend the bill, by inserting "A. N. Hopkins, after the word "store."

Amendment adopted.

Mr. Erath moved, to amend the bill, by inserting—"From

Independence to the Falls of the Brazos *via* Caldwell and the county seat of Milam county.

Amendment adopted.

Mr. Brown moved, to amend the bill, by striking out "Goddard's Bluff," and inserting, "Town of Buffalo," in lieu thereof.

Amendment adopted.

Mr. Williams moved, to amend the bill, by inserting "from Goliad to Bexar."

Amendment adopted.

Mr. Miller moved, to amend the bill, by inserting "from Crockett to Angelina C. H.; by way of Hickory Creek and Connor's."

Amendment adopted.

Mr. McFarland moved, to amend the bill, by inserting "Pinkneyville," after the word "Bucknor."

Amendment adopted.

Mr. Russell moved, to amend the bill, by inserting the following:

"From Moore's store to Marshall—from Moore's store to Wm. Mahone's *via* Peters', Jefferson and Marshall."

Amendment adopted.

Mr. Sadler moved, that each member be permitted to append his own amendment.

Motion carried.

Mr. Mabry moved, that the sense of the House be taken, on the previous question.

Motion carried.

Question. Shall the amendments, (reported by the select committee,) to the Joint Resolution, now under consideration of the House, be adopted?

The House decided in the affirmative.

Mr. Branch moved, to amend the bill, by inserting—"That one mail route, at least, shall be established through every neighborhood, where as many as five citizens reside."

Amendment rejected.

Mr. Rayner moved, to amend by inserting the following:

Route No. 100. From Washington City, *via* Oregon and Washington, to Austin, Texas."

Mr. Gooch moved, that the Joint Resolution be referred to a select committee.

Motion lost.

Mr. Dickson moved, that the Joint Resolution be laid upon the table.

Motion lost.

Mr. Rose moved to amend, by striking out all after word "of," in the fourth line of the first section, and inserting in lieu thereof, the words "such general mail routes, as may, in their judgment, be necessary for the convenience of the people of Texas."

Amendment adopted.

Mr. Branch moved, that the Joint Resolution be indefinitely postponed.

Motion lost.

Mr. Williams moved, that the vote of the House, adopting Mr. Rose's amendment, be reconsidered.

Mr. Branch moved, that the Joint Resolution be laid upon the table, until the 4th day of July.

Motion lost.

Mr. Rose moved, that the Joint Resolution be laid upon the table, until Monday next.

Motion lost.

The yeas and nays were then called, on the reconsideration of Mr. Rose's amendment, and stood as follows :

Yeas. Messrs. Barry, Bourland, Brown, Burroughs, Cazenau, Charlton, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gillett, Gilliam, Gooch, Holland, Howard, Irion, Keenan, Mabry, McClarty, McFarland, McNeill, Mullens, Noble, Ogden, Perkins, Perry, Russell, Ryburn, Smith of Rusk, Truitt and Williams—31.

Nays. Messrs. Speaker, Adams, Branch, Clark, Cooke, Cronican, Dickson, Dupree, Gray, McCown, McCulloch, Miller, Muckleroy, Pease, Railey, Rayner, Redgate, Rose, Sadler, Savage, Stewart, Smith of Harris, Swift and White—24.

So the amendment was reconsidered.

Mr. McCulloch moved, to amend by inserting "from La Grange to Victoria *via* Lyons, on the Navidad, the county seat of La Vacca county."

Amendment adopted.

Mr. Smith of Rusk, moved to amend by inserting the following: "From Jefferson *via* Daingerfield and the county seat of Upshur, to the county site of Smith county."

Mr. Charlton offered the following as an amendment:

"From Ratcliff's to the county seat of Tyler county—by way of the county seat of Polk county, to Huntsville, the county seat of Walker county."

Amendment adopted.

Mr. McCulloch moved, to amend as follows:

"That each member of this House, be instructed to write to

our Representatives in Congress, stating the routes that they wish to establish, and the reasons why they ask them."

Mr. McCown offered the following, as an amendment to the amendment, proposed by Mr. McCulloch:

"And that each member must *pay the postage*, on each letter that he writes to our Senators."

Amendment adopted.

Mr. Mabry then moved that the Joint Resolution and amendments, be laid upon the table.

The yeas and nays were called, on the adoption of the motion, and stood as follows:

Yeas. Messrs. Speaker, Branch, Cazenau, Gooch, Mabry, McCown, McCulloch, Muckleroy, Noble, Pease, Perkins, Rayner, Redgate, Swift and White—15.

Nays. Messrs. Barry, Bourland, Brown, Burroughs, Charlton Clark, Cooke, Cronican, Dickson, Dupree, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Holland, Irion, Jones, Keenan, McClarty, McFarland, Miller, Milican, Mullens, Ogden, Perry, Rose, Russell, Ryburn, Smith of Rusk, Truitt, Williams and Willie—35.

So the motion was lost.

Mr. Rose moved, that the Joint Resolution and amendments, be referred to the committee on State Affairs.

Motion carried, and the reference made.

Mr. Mabry, by leave presented the petition of B. Manlove.

On motion, the petition was read, by its caption, and referred to the committee on Public Lands.

Mr. Dupree, chairman of the select committee, to whom was referred a bill, to be entitled an act, establishing weights and measures, made the following report:

April 9th 1846.

Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The select committee, to whom was referred a bill, to be entitled an act, establishing weights and measures, for the State of Texas, having considered the same, have instructed me to report—that the subject embraced by the bill, being one of universal and paramount importance, is worthy of the most mature and laborious investigation—such an investigation, as your committee have found it impossible to give to the subject, at this time. They believe, however, that the substitute herewith offered, will accomplish the great object of *uniformity in*

weights and measures, with more certainty, and at infinitely less expense, than in the bill proposed. They would, therefore, respectfully recommend its adoption and passage by the House.

All of which is respectfully submitted.

[Signed]

L. G. DUPREE,

Chairman of the Select Committee.

Report read and adopted.

Mr. Eddy introduced a bill, to be entitled an act, to create the county of Neches.

Bill read a first time.

Mr. Dupree, chairman of the select committee, to whom was referred a bill, to be entitled an act, creating the office and defining the duties of Public Weighers, made the following report:

COMMITTEE ROOM, }
March 9th 1846. }

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives :

Your committee to whom was referred a bill, to be entitled an act, creating the office and defining the duties of Public Weighers, have had the same under consideration; and have instructed me to report the bill back to the House, with the amendment of the word "produced," instead of the word "article," in the third line of the third section; and to recommend the same to the favorable consideration of the House, as a bill of very useful provisions, and which, they conceive, very necessary to prevent the disputes and grievances, which have been of frequent occurrence.

All of which, is most respectfully submitted.

[Signed]

L. G. DUPREE,

Chairman of the Select Committee.

Report read and received, and together with the bill, laid up on the table, to come up with the orders of the day.

Mr. Perkins introduced a bill, to be entitled an act, to prevent slaves from carrying fire-arms.

Bill read a first time.

Mr. McCulloch introduced a bill, to be entitled an act, to require the counties of La Vaca, De Witt and Guadalupe, to pay a portion of the debt of the counties from which they were taken.

Bill read a first time.

Mr. Smith of Rusk, introduced a bill, to be entitled an act, to define the boundaries of Rusk county.

Bill read a first time.

Mr. Smith of Rusk, also introduced a bill, to be entitled an act, for the relief of the heirs of Robert Bell.

Bill read a first time.

On motion of Mr. Smith of Rusk, the rule of the House, requiring bills to be read on three several days, was suspended.

The bill was then read a second time and

On motion of Mr. Smith of Rusk, referred to committee on Public Lands.

Mr. Smith of Rusk, also introduced a bill, to be entitled an act, for the relief of Thomas Howith.

Bill read a first time.

On motion of Mr. Smith, of Rusk, the rule was again suspended.

The bill was then read a second time, and

On motion, referred to the committee on Public Lands.

Mr. Keenan introduced a bill, to be entitled an act, to authorize the Secretary of State, to exchange the literary works of this State, for those of other countries.

Bill read a first time.

On motion of Mr. Gray, the rule of the House, requiring bills to be read on three several days, was suspended.

The bill was then read a second time, and

On motion of Mr. Gray, referred to the committee on State Affairs.

Mr. Stewart introduced a bill, to be entitled an act, to provide for the registration of deeds, titles, conveyances and other instruments of writing.

Bill read a first time.

On motion, the rule of the House, requiring bills to be read on three several days, was suspended.

The bill was then read a second time, and

On motion of Mr. Stewart, referred to the committee on the Judiciary.

A message was received from the Senate, informing the House, that they had receded from their objections, and concurred in the amendments of the House, to a bill, to be entitled an act, providing for the enumeration of the inhabitants of the State of Texas. Also, that they had concurred in the amendments of the House, to a bill, to be entitled an act, to incorporate Lamar Academy, in the county of Lamar.

The House was also, informed of the passage of the following bills, by the Senate:

A bill to be entitled an act, to secure to the State of Texas, the customs revenue, received or incurred under the laws of the Republic of Texas—with amendments.

A bill to be entitled an act, to secure the rights of volunteers, in the Naval service of Texas, to their Bounty Lands; and

A bill to be entitled an act, to vest in the State, escheated property.

The House was also informed that the Senate had concurred in the first and second amendments of the House, to a bill, to be entitled an act, to connect Galveston Island with the main land at Virginia Point; and that they had refused to concur in the third amendment to said bill.

Mr. Gray moved, that the vote of the House, which referred a bill, to be entitled an act, to authorize the Secretary of State, to exchange the literary works of this State, for those of other countries, be reconsidered.

Motion carried.

On motion of Mr. Gray, the bill was then referred to the committee on Education.

On motion of Mr. McClarty, the bill to be entitled an act, to make provisions for Public Education, was taken up; and

On further motion, referred to the committee on Education.

Mr. McClarty moved, that the vote of the House, taken on yesterday, which passed to a third reading, a bill to be entitled an act, establishing Judicial Districts, be reconsidered.

Motion carried.

On motion of Mr. McCown, the county of Upshur, was added to the fifth Judicial District.

Mr. Rose moved, that the rule be suspended, so that the bill might be read a third time.

The yeas and nays were called, on the adoption of Mr. McCown's motion, and stood as follows:

Yeas. . Messrs. Speaker, Adams, Barry, Bourland, Brown, Cazenau, Charlton, Cooke, Cronican, Dickson, Dupree, Durham, Edwards of Nacogdoches, Eddy, Erath, Gillett, Gilliam, Gooch, Holland, Howard, Irion, Jones, Mabry, McClarty, McCulloch, McFarland, Miller, Milican, Muckleroy, Mullens, Perkins, Rayner, Rose, Savage, Stevenson, Stewart, Smith of Rusk, White and Williams—34.

Nays. . Messrs. Clark, Echols, Edwards of San Augustine,

Gray, McCown, Noble, Perry, Redgate, Russell, Smith of Harris; Swift, Sublett and Truitt—13.

So the bill was read a third time and passed.

A bill to be entitled an act, to authorize the Governor to pay expresses, employed to circulate the law providing for the election of Representatives to the Congress of the United States, was taken up and

Read a second time.

Mr. Stewart moved, to amend the bill, by inserting the words "and to inform the Senators of their election," after the word "States."

Amendment adopted.

On motion of Mr. Brown, the rule of the House, requiring bills to be read on three several days, was suspended.

The bill was then read a third time and passed.

Mr. Irion introduced a joint resolution, granting the Honorable John Hemphill, Chief Justice of the Supreme Court, leave of absence from the State.

Joint Resolution read a first time.

A bill to be entitled an act, to provide for serving writs, or other process, upon Sheriffs, was taken up and

Read a second time.

Mr. Howard offered the following, as an amendment to the bill:

Strike out the word "Constable," and insert in lieu thereof, the word "Coroner."

Amendment adopted.

On motion, the bill was then passed to a third reading.

On motion of Mr. Barry, the House adjourned until three o'clock, P. M.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Bourland, Charlton, Clark, Cronican, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Eddy, Erath, Gillett, Gilliam, Gooch, Holland, Hudson,

Irion, McClarty, McCown, McCulloch, McFarland, Milican, Mullens, Perkins, Perry, Railey, Rayner, Redgate, Rose, Russell, Sadler, Savage, Stevenson, Smith of Harris, Smith of Rusk, Swift, Sublett, Truitt, White and Williams.

A quorum being present the House proceeded to business.

A bill to be entitled an act, defining the duties of Secretary of State, was taken up and

Read a second time.

Mr. Mabry moved, that the bill be referred to the committee on the Judiciary.

Motion lost.

On motion of Mr. Clark, the bill was passed to a third reading.

Mr. Mabry, by leave, offered the following Resolution:

Resolved, That it shall be the standing rule of the House, the remainder of the session, that no amendment to a bill or Resolution, will be in order, and will not be entertained by the House, after it has been engrossed, or passed to a third reading.

Resolution read and laid upon the table, one day for consideration.

On motion of Mr. McCulloch, a bill to be entitled an act, organizing the militia of the State of Texas, was taken up and

Read a first time.

On motion, a call of the House was made.

A quorum not being present, the Sergeant-at-Arms was dispatched for the following absent members:

Messrs. Cazenau, Dupree, Edwards of San Augustine, Howard, Ogden, Pease, Stevenson and Willie.

Messrs. Branch, Burroughs, Cooke, Gillett, McNeill, Pattillo, and Ryburn, were excused from answering to the call of their names.

On motion of Mr. White, a further call of the House was suspended.

A bill to be entitled an act, to designate and officially name, who shall be conservators of the Peace, was taken up and

Read a second time.

On motion, the bill was passed to a third reading.

A bill to be entitled an act, to require Notaries Public to procure seals of office, was taken up and

Read a second time.

On motion Mr. Stewart, the bill was referred to the commit-

mittee on the Judiciary.

Mr. Gillett moved, that the House adjourn until to-morrow nine o'clock, A. M.

The yeas and nays were called, on Mr. Gillett's motion to adjourn, and stood as follows:

Yeas. Messrs. Speaker, Adams, Barry, Bourland, Cronican, Dupree, Durham, Echols, Edwards of Nacogdoches, Eddy, Gillett, Gooch, Howard, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, Noble, Perkins, Railey, Redgate, Rose, Stewart, Swift, Truitt, White and Williams—30.

Nays. Messrs. Brown, Charlton, Clark, Dickson, Erath, Gilliam, Holland, Miller, Milican, Muckleroy, Mullens, Perry, Rayner, Savage, Saddler, Smith of Harris, Smith of Rusk, and Sublett—19.

So the motion was carried, and the House adjourned, until to-morrow morning, nine o'clock.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, FRIDAY, }
April 10th 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Branch, Bourland, Brown, Charlton, Cronican, Dickson, Dupree, Durham, Echols, Erath, Gray, Gilliam, Gooch, Holland, Hudson, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, Miller, Muckleroy, Mullens, Noble, Pattillo, Pease, Perkins, Perry, Rayner, Redgate, Rose, Russell, Sadler, Savage, Smith of Rusk, Truitt, White and Williams.

A quorum being present, the Journal of the preceding day was read and adopted.

Mr. McClarty presented the petition of four hundred and sixty-five persons—praying for a Charter to open the navigation of the Sabine river.

On motion of Mr. McClarty, the petition was read by its caption; and

On further motion, referred to the committee on Internal Improvements.

Mr. Russell, chairman of the committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, }
April 10th 1846. }

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives :

The committee on Engrossed Bills, have examined the following bills and find the same correctly engrossed:

A bill to be entitled An act, providing for the trial and punishment, of crimes and misdemeanors; committed by slaves and free persons of color.

A bill to be entitled An act, to restore lands, sold for taxes, and bid in by the Government, to the former owners.

A bill to be entitled An act, to provide for the loss of Duplicate and other land certificates, Military Land Warrants and Land Scrip.

A bill to be entitled An act, regulating appeals to the Supreme Court.

A bill to be entitled An act, incorporating the Angelina Navigation Company.

A bill to be entitled An act, to incorporate the town of Bonham, Fannin county.

A bill to be entitled An act, creating the county of Newton.

A bill to be entitled An act, to provide for the registration of the separate property of married women; and

A bill to be entitled An act, to authorize the Governor, to employ a Private Secretary.

[Signed];

A. J. RUSSELL,
Chairman.

Report read and accepted:

Mr. Pease, introduced a bill, to be entitled An act, to regulate petitions to the Legislature.

Bill read a first time.

Mr. Charlton introduced a bill, to be entitled An act, to require the County Surveyor of Liberty county, to furnish the County Surveyor of Tyler county, with a map of the surveyed land in the county of Tyler.

Bill read a first time.

On motion of Mr. Eddy, the House proceeded to the

ORDERS OF THE DAY.

The Resolution (introduced on a previous day, by Mr. Branch,) regulating the order of business in the House, was taken up and

On motion of Mr. Dickson, laid upon the table.

The Resolution, to go into the election of District Attorneys, on the —— day of April; was taken up and

On motion of Mr. Bourland, laid upon the table.

Mr. Willie moved, that the memorial of Charles B. Snow be withdrawn from the committee on Claims and Accounts, and referred to select committee.

Motion carried.

The Speaker then appointed Messrs. Willie, Mabry, McFarland, Cooke and Muckleroy, to compose said committee.

A bill to be entitled An act, to provide for serving writs and process, upon Sheriffs; was taken up and

Read a third time.

Mr. Branch moved, that the vote of the House, passing the bill to a third reading, be reconsidered.

Motion carried.

On further motion of Mr. Branch, the bill was referred to the committee on the Judiciary.

A bill to be entitled an act, to designate and officially name, who shall be conservators of the Peace, was taken up,

Read a third time and passed.

A bill to be entitled an act, to organize the militia of the State of Texas, was taken up and

Read a second time.

Mr. White offered the following, as an amendment to the bill:

Insert in the fifth division, the counties of "Calhoun, La Vaca, De Witt, Guadalupe, Comal and Nueces."

Amendment rejected.

Mr. Pease offered the following, as an additional section:

Be it further enacted, That each new county, established by this Legislature, shall form a part of the same Brigade and Division, as the county from which such new county, or the greater portion thereof, was taken; and the militia of each new county shall be organized, in like manner as the militia named in this act.

Amendment adopted.

On motion of Mr. Irion, the bill was passed to a third reading.

Mr. Gooch, by leave, introduced a bill, to be entitled An act, to require the County Surveyor of Bowie county, to record the Field Notes made by Jesse Cherry.

Bill read a first time; and

On motion of Mr. McCown, rejected.

Mr. Holland, chairman of the committee on Public Lands, made the following report:

COMMITTEE ROOM, }
March 9th 1846. }

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives :

Your committee on Public Lands, to whom was referred the petition of Hardy Ware, have had the same under consideration; and have instructed me to report—that the prayer of the petitioner, though meritorious, and one shewing that he has suffered a wrong; is one coming, clearly, within the provisions of the second section of the eleventh article of the Constitution.

The petitioner states, that he obtained a league and labor certificate, to which he was lawfully entitled—that the clerk of the Land Board, issuing the same, failed to enter, upon his Register, a record of the grant; whereby, the same was not acted upon, or recommended for Patent, by the Investigating Board of Land Commissioners; and therefore, he prays that an act may be passed, legalizing his certificate.

The provisions of the constitution, above alluded to, leave to the committee no power to award relief. They, therefore, recommend that the petition of Hardy Ware be laid upon the table; and that he have leave to withdraw his papers.

[Signed]

S. HOLLAND,

Chairman.

Report read and adopted.

Mr. Holland, chairman of the committee on Public Lands, also made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

Your committee on Public Lands have had before them the petition of the Agent of George C. Gwathmay and others—heirs of James Gaward—and have instructed me to report, that they deem it wholly inexpedient to grant the prayer of the petitioner. He prays that the ordinary rule of law, which requires an agent to make his quality known, by sufficient doc-

umentary evidence, may be dispensed with, in his case. The committee regards with a just appreciation, the inconvenience and delay to which the parties may be subjected; but they conceive it unsafe to establish a Legislative precedent, of the kind sought for. They, therefore, respectfully recommend, that said petition be laid upon the table.

All of which, is respectfully submitted.

[Signed]

S. HOLLAND,
Chairman.

Report read and adopted.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined the following bills, and find them correctly enrolled:

An act to provide for the organization of the House of Representatives of the State of Texas; and

An act defining the boundaries of the county of Robertson.

Said bills having been signed by the Speaker of the House of Representatives and the President *pro tem.*, of the Senate, were on the ninth of April, presented to his Excellency, the Governor, for his approval.

[Signed]

JAMES M. BURROUGHS,
Chairman.

Report read and accepted.

Mr. Williams, chairman of a Select Committee, made the following report.

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The select committee, to whom was referred the several bills, to organize certain offices, under the General Land Office, do not agree upon any definite course, among themselves. Therefore, as chairman of said committee, I report the same back to the House for its action.

(Signed)

A. WILLIAMS,
Chairman.

Report read and received, and together with the bill, laid upon the table, to come up with the orders of the day.

A message was received from the Senate, informing the House of the concurrence of that body, in the amendments of the House, to the bill, to be entitled An act, establishing the Judicial Districts.

The House was also informed of the passage of the following Resolution, by the Senate:

Resolved, That, with the concurrence of the House, the two Houses will proceed to elect a Public Printer, on Tuesday, the fourteenth instant, to print the laws and Journals; and that two thousand five hundred copies of the constitution—the Ordinance relating to the Colonization Contracts and the laws; and five hundred copies of the Journals, be printed for the use of the Legislature.

Information was also given to the House, that the Senate had rejected a bill, (which originated in the House,) to be entitled An act, to repeal an act, to provide for the establishment of Peace, and to regulate friendly intercourse with Indians.

Also, that they had passed a Resolution, instructing the Secretary of the Senate, to endorse on all enrolled bills, originating in the Senate, creating *Corporations*, that the same *passed by the Constitutional majority*, and to notify the House of the same, when transmitting it.

Mr. Bourland moved, that the vote of the House, which passed to a third reading a bill, to be entitled An act, defining the duties of Secretary of State, be reconsidered.

Motion carried.

On further motion of Mr. Bourland, the bill was then referred to the committee on State Affairs.

Mr. Gillett, by leave, introduced a bill, to be entitled An act, requiring juries to assess the fine in certain criminal cases.

Bill read a first time.

A bill to be entitled An act, organizing County Courts, was taken up—together with the report thereon, made by the committee on the Judiciary.

Report read.

Mr. Durham moved, that the substitute, for the eighth section of the bill, be laid upon the table.

Motion lost.

Mr. Willie moved, that a call of the House be made.

Motion lost.

Mr. Branch moved, that the report of the committee on the Judiciary—on a bill, to be entitled An act, organizing County Courts, be rejected.

Motion carried.

Mr. Durham moved, that the bill be read by its sections.

Motion lost.

Mr. Brown moved, to amend the bill, by striking out the word "income," in the eighth section.

Amendment rejected.

Mr. Gray moved, to amend by striking out the entire eighth section of the bill.

Mr. Stevenson moved, that the House adjourn until half after three o'clock, P. M.

Motion lost.

Mr. Echols moved, that the House adjourn until three o'clock, P. M.

Motion lost.

Mr. Gray moved, that a call of the House be made.

Motion lost.

The question then recurred, on striking out the eighth section of the bill; and, the yeas and nays being called thereon, stood as follows:

Yeas. Messrs. Bourland, Gray, Irion, Jones, McClarty, Milican, Sadler, Stewart, Williams and Willie—10.

Nays. Messrs. Speaker, Adams, Barry, Branch, Brown, Burroughs, Cazneau, Charlton, Cooke, Cronican, Dickson, Durham, Eddy, Erath, Gillett, Gilliam, Gooch, Holland, Howard, Hudson, Mabry, McCown, McCulloch, McFarland, Miller, Muckleroy, Mullens, Noble, Ogden, Pease, Perkins, Perry, Railey, Rayner, Redgate, Rose, Russell, Savage, Stevenson, Smith of Harris, Smith of Rusk, Swift, Truitt and White—44.

So the motion, to strike out the eighth section of the bill was lost.

On motion of Mr. McClarty, the House adjourned until three o'clock, P. M.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Bourland, Brown, Burroughs, Cazneau, Charlton, Cronican, Dickson, Durham, Echols, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Howard, Jones, Mabry, McClarty, McCown, McFarland, Milican, Muckleroy, Mullens, Pattillo, Pease, Perkins, Perry, Rayner, Redgate, Rose, Russell, Sadler, Savage, Stevenson, Smith of Harris, Smith of Rusk, Swift, Sublett, Truitt, White and Willie.

A quorum being present, the House proceeded to business.

The bill to be entitled An act, organizing County Courts, being under consideration, at the adjournment of the House, was again taken up.

Mr. Pease offered the following, as an amendment to the bill:

Insert the following as the fourth, fifth and sixth sections of the bill, and change the other sections so as to correspond:

SECTION FOURTH. The Clerks of the County Court, shall before entering upon the duties of their office, enter into bond, with good and sufficient security, to be approved by the Chief Justice of the county, in a sum not less than two thousand dollars—payable to the Governor of the State and his successors in office—conditioned, that such clerk shall well and truly perform all the duties required of him by law; and shall also, take and subscribe the oath of office prescribed by the Constitution—which shall be endorsed on said bond, with the certificate of the officer administering the same—and said bond and oath shall be recorded, with the county records, and deposited with the Clerk of the District Court.

SECTION FIFTH. The clerks of the county court shall have power, by writing under their hand and seal, to appoint a Deputy—for whose official acts they shall be responsible—and such appointment shall be recorded, with the County Records.

And any Clerk of the County Court, when he vacates his office, shall deliver over, to his successor in office, all books, papers, Records and effects, belonging to his office; and every Clerk, who shall fail, or refuse so to do, shall be fined, in a sum not less than fifty, nor more than five hundred dollars—to be recovered, on motion of the Chief Justice of the county, in the District Court—such clerk having three days' notice of such motion.

And any Clerk of the County Court, who shall be guilty of any neglect of duty, or misdeameanor in office, may be indicted for the same, by a Grand Jury, in the district court; and on conviction thereof, shall be removed from office.

SECTION SIXTH. The Chief Justices, County Commissioners, and the clerks of the County Courts, shall have power to administer oaths and give certificates thereof, in all cases where an affidavit is necessary—except where such oaths may be required, by law, to be taken before some particular officer.

Amendment read and adopted.

Mr. Gray offered the following as an amendment, to come in at the end of the seventh section of the bill:

And also, to exercise jurisdiction, in appointing guardians; granting letters testamentary and of administration; and in the settling the accounts of Executors, Administrators and Guardians; and for the transaction of business, appertaining to Estates, in such manner as may be provided by law.

The yeas and nays were called, on the adoption of Mr. Gray's amendment, and stood as follows:

Yeas. Messrs. Speaker, Adams, Barry, Brown, Charlton, Cooke, Cronican, Dickson, Durham, Echols, Edwards of San Augustine, Gray, Gilliam, Gooch, Jones, Mabry, McClarty, McCown, Milican, Muckleroy, Mullens, Pattillo, Rayner, Redgate, Rose, Savage, Stevenson, Smith of Rusk, Truitt and White—30.

Nays. Messrs. Bourland, Burroughs, Cazneau, Eddy, Gillett, Howard, Hudson, McFarland, Miller, Noble, Pease, Perkins, Perry, Russell, Sadler, Smith of Harris, Swift, Sublett and Willie—19.

• So the amendment was adopted.

Mr. White offered the following as an amendment to the second section of the bill:

Insert after the word "precinct," the words "except in counties where there are not as many as four precincts."

Amendment adopted.

The question then recurred on the engrossment of the bill: On motion of Mr. Perkins, a call of the House was made.

Mr. Rayner moved, that a further call of the House be suspended.

Motion lost.

On motion of Mr. McClarty, a further call was suspended.

Mr. Willie moved, that the bill be laid upon the table, indefinitely.

Motion lost.

Mr. Willie then moved, that the bill be laid upon the table, until Monday next ten o'clock, A. M.

Motion carried.

Mr. Cooke introduced a bill, to be entitled An act, to provide for the collection of costs, in the District Court.

Bill read a first time.

A bill to be entitled An act, to secure to the State of Texas, the customs incurred under the Republic of Texas, was taken up, with the amendments from the Senate.

Amendments read and concurred in.

A bill to be entitled an act, to connect Galveston Island with the main land at Virginia Point; was taken up—together with,

the amendments, made by the House, in which the Senate had refused to concur.

Mr. Rose moved, that the House recede from its amendments.

The yeas and nays were called, on the adoption of Mr. Rose's motion, and stood as follows:

Yeas. Messrs. Adams, Brown, Cazneau, Cronican, Dickson, Durham, Eddy, Gooch, Howard, Hudson, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, Muckleroy, Mullens, Noble, Ogden, Pattillo, Perry, Rose, Sadler, Savage, Stevenson, Smith of Rusk, Swift, Truitt and Willie—31.

Nays. Messrs. Speaker, Barry, Burroughs, Charlton, Cooke, Edwards of San Augustine, Gray, Gillett, Gilliam, Miller, Milican, Pease, Perkins, Railey, Rayner, Redgate, Smith of Harris, Sublett and White—19.

The Speaker decided that an affirmative vote, of two thirds of the members present, would be necessary to recede from the amendments.

Mr. Durham appealed from the decision of the Speaker.

The yeas and nays were called, on the legality of the decision just made by the Speaker, and stood as follows:

Yeas. Messrs. Barry, Bourland, Cazneau, Charlton, Cooke, Dickson, Echols, Edwards of San Augustine, Gray, Gillett, Gilliam, Gooch, Howard, Hudson, Jones, Keenan, Mabry, McCown, Miller, Milican, Mullens, Noble, Ogden, Pease, Perkins, Perry, Railey, Rayner, Redgate, Sublett, Truitt and White—32.

Nays. Messrs. Adams, Branch, Brown, Burroughs, Cronican, Durham, Eddy, Erath, McClarty, McFarland, Muckleroy, Pattillo, Rose, Russell, Sadler, Savage, Stevenson, Smith of Rusk, Swift and Willie—20.

So the decision of the chair was sustained.

Mr. Gillett moved, that the vote of the House, just taken on the bill to be entitled An act, to connect Galveston Island with the main land, at Virginia Point; be reconsidered,

Motion carried.

On further motion of Mr. Gillett, the bill was laid upon the table until to-morrow, ten o'clock, A. M.

On motion of Mr. Russell, the House adjourned until to-morrow morning, nine o'clock.

HOUSE OF REPRESENTATIVES, }
 CITY OF AUSTIN, SATURDAY, }
 April 11th 1846. }

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Charlton, Cooke, Dickson, Dupree, Durham, Echols, Edwards of San Augustine, Eddy, Erath, Gillett, Gilliam, Gooch, Holland, Hudson, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo, Pease, Perry, Railey, Rayner, Redgate, Rose, Sadler, Savage, Stewart, Smith of Rusk, Swift, Sublett, Truitt, White, Williams and Willie.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Russell, chairman of the committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, }
 April 11th 1846. }

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives :

The committee on Engrossed Bills, have examined the following bills, and find them correctly engrossed:

A bill to be entitled An act, to establish and incorporate the City of Corpus Christi.

A bill to be entitled An act, to provide for the registration of Deeds and other instruments executed out of the State of Texas.

A bill to be entitled An act, to have the lines surveyed, between the counties of Robertson and Limestone, Limestone and Leon, and Limestone and Navarro.

A bill to be entitled An act, to declare, what officer shall give certificates of election, in Senatorial elections, in Districts composed of more than one county.

A bill to be entitled An act, to legalize the several seals, heretofore used by the Commissioner of the General Land office.

A bill to be entitled An act, for the relief of John Karner; and

A Joint Resolution instructing our Senators, and requesting our Representatives in the Congress of the United States, to

procure the passage of a law, for the relief of mail contractors.

[Signed]

A. J. RUSSELL,
Chairman.

Report read and accepted.

On motion of Mr. Mabry, the House proceeded to the

ORDERS OF THE DAY.

A bill to be entitled An act, to restore lands sold for taxes and bid in by the Government, to the former owners, was taken up

Read a third time and passed.

A bill to be entitled an act, to provide for the loss of Duplicate and other Land Warrants, was taken up

Read a third time and passed.

A bill to be entitled an act, to provide for the registration of the separate property of married women, was taken up

Read a third time and passed.

A bill to be entitled an act, to authorize the Governor to employ a Private Secretary, was taken up and

Read a third time.

On motion of Mr. Stewart, the bill was laid upon the table.

A bill to be entitled An act, regulating appeals to the Supreme Court, was taken up and

Read a second time.

On motion, of Mr. Willie, the bill was referred to the committee on Engrossed Bills.

Mr. Rose moved, that the vote of the House, refusing to engross the bill, to be entitled An act, organizing County Courts, be reconsidered.

Motion carried.

Mr. Cazneau moved that the vote of the House, adopting the Journal of this morning, be reconsidered.

Motion carried.

Mr. Gray moved, that the word "lost," be stricken out of the Journal.

Motion carried.

Mr. Rose moved, that the vote of the House, adopting Mr. Gray's amendment, (on yesterday) to the bill, to be entitled An act, organizing County Courts—be reconsidered.

On motion of Mr. White, the Journal of yesterday was adopted.

A bill to be entitled An act, to provide for the punishment of Slaves and free persons of color, was taken up

Read a third time and passed.

Mr. Willie, one of the committee on Engrossed Bills, made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives :

The committee on Engrossed Bills, have examined and caused to be correctly engrossed, a bill, to be entitled An act, regulating appeals to the Supreme Court, in criminal cases.

Report read and accepted.

Mr. Cooke, chairman of a Select Committee, made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives :

Sir:—The select committee, to whom was referred a bill, to be entitled An act, for the relief of the citizens of the town of Springfield, Limestone county, and accompanying Documents—have had the same under consideration; and, after having given the subject that deliberation, to which it was entitled, have instructed me to report the said bill back to the House, without amendment, and to respectfully recommend its passage.

(Signed)

W. K. COOKE,

Chairman.

Report read and received, and, together with the bill, laid upon the table, to come up with the orders of the day.

A bill to be entitled An act, regulating appeals to the Supreme Court, in criminal cases, was taken up

Read a third time and passed.

A bill to be entitled An act, to incorporate the Angelina Navigation Company, was taken up and

Read a third time.

The yeas and nays were called, on the final passage of the bill, and stood as follows:

Yeas. Messrs. Speaker, Adams, Barry, Branch, Brown, Burroughs, Cazneau, Cronican, Dickson, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gillett, Gilliam, Gooch, Hudson, Irion, Keenan, Mabry, McClarty, McCown, McCulloch, McFarland, McNeill, Miller, Muckleroy, Noble, Pattillo, Rayner, Redgate, Savage, Stewart, Smith of Rusk, Swift, Truitt and Willie—38.

Nays. Messrs. Bourland, Cooke, Echols, Holland, Jones, Milican, Mullens, Pease, Perkins, Perry, Railey, Rose, Russell, White and Williams—15.

So the bill was passed.

A bill to be entitled An act, creating the county of Newton, was taken up

Read a third time and passed.

A bill to be entitled An act, to connect Galveston Island with the main land, at Virginia Point—having been made the special order for to-day, at ten o'clock A. M.—was taken up.

The question recurred, on receding from the amendment, made by the House, in which the Senate refused to concur.

The yeas and nays were called, on receding from the amendment, and stood as follows:

Yeas. Messrs. Speaker, Adams, Branch, Brown, Burroughs, Cazneau, Cronican, Dickson, Dupree, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gillett, Gooch, Hudson, Irion, Jones, Keenan, McClarty, McCown, McCulloch, McFarland, McNeill, Miller, Muckleroy, Ogden, Pattillo, Rayner, Rose, Russell, Sadler, Savage, Stewart, Smith of Rusk, Swift, Truitt and Willie—38.

Nays. Messrs. Barry, Bourland, Charlton, Cooke, Erath, Gray, Gilliam, Holland, Mabry, Milican, Mullens, Noble, Pease, Perkins, Perry, Railey, Redgate, White and Williams—19.

So the House receded from the amendment, and the bill was passed;

By leave, Mr. Gray filed the following protest, against the passage of the bill:

To the Honorable Speaker

of the House of Representatives:

The bill to connect Galveston Island with the main land, at Virginia Point, which was acted on in the House, to-day, proposes to grant, to the County Court of Galveston, the power of authorizing individuals, to erect a bridge, from the Island across that part of Galveston Bay, known as West Bay, to Virginia Point, on the main land: *Provided*, That a draw-bridge, of sufficient width not to obstruct the Navigation, be maintained thereon; And it also proposes to allow those individuals, the right of levying tolls on the bridge.

All who are acquainted with the geography of our coast, know, and an examination of the maps of the State will exhibit to all, that nature has provided a good means of Navigation through the inlet to San Luis Bay, and to the Bayous emptying into

the bay; and, also, that she has formed a series of Bays and inlets, extending along the whole extent of our coast, from the Sabine to the Rio Grande, which, at a small expense comparatively, can be connected by canals, and thereby, an inland navigation opened. This idea is not new—for already have such improvements been commenced, between the Bay of San Luis the Brazos river and Matagorda Bay. The great advantages of such a navigation, can be better conceived than told; and ought not to be in any manner, obstructed. The erection of a bridge at the points proposed, would necessarily, in a great measure produce this obstruction. The provision for a draw-bridge, does not as fully answer the objection as could be desired. What, in the opinion of the County Court, or of individuals, acting under their authority and interested in the bridge, would be a sufficient width—being barely sufficient to admit the passage of vessels or steamboats, with a *tight squeeze*—might not so well suit the views and wants of navigators. That provision will be a constant source of conflict and litigation.

Again, by the provisions of the constitution of the United States, in the sixteenth clause, eighth section, first Article, there is vested in the Congress of the United States, the power to exercise *exclusive legislation* in all cases whatsoever, over such District, (not exceeding ten miles square,) as may, by cession of particular States, and the acceptance of Congress, become the Seat of Government of the United States; and to exercise *like authority over all places purchased* by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards and other needful buildings. According to the terms of the Joint Resolutions of annexation, this State has authorized “all public edifices, barracks, fortifications, ports, harbors, &c.”—belonging to the State, to be ceded to the United States; and that cession as the undersigned believes, has been made.

The part of Galveston Bay, over which the bill proposes to authorize the erection of a bridge is a “*port or harbor*,” according to the grammatical meaning of those words. That it is a Bay, or “arm of the sea extending into the land not of any definite form but smaller than a Gulf and larger than a creek.” A *Harbor* is a port, or haven for ships; and a *Port* is any Bay, cove, inlet or recess of the sea, or of a lake, or the mouth of a river which ships or vessels can enter, and where they can lie safe from injury by storms. The Bay in question seems then to be one of the places ceded to the United States; and, by the

provision of the Constitution of the United States, above cited, it appears to the undersigned, that the United States Congress have the *exclusive right of legislation* over it. If this conclusion be correct, as from his present information, the undersigned is led to believe it is, then the act in question is *unconstitutional*—whether it be a public or private corporation, or no corporation at all.

But, in the opinion of the undersigned, the bill grants, if not *private* corporative powers, certainly a *private franchise*—which cannot be *divested*, unless by a vote of two thirds of the Legislature, and by making compensation for the *franchise*; which, the undersigned believes ought not to be done in this instance; and especially under the circumstances under which it was passed.

Therefore, the undersigned *protests*, and asks that his protest be entered upon the Journal.

[Signed]

P. W. GRAY.

A bill to be entitled An act to incorporate the town of Bonham, in Fannin county, was taken up

Read a third time and passed.

A message was received from his Excellency, the Governor informing the House that he had approved and signed the following bills:

An act to define the boundaries of Robertson county; and

An act to prescribe the manner of organizing the House of Representatives, of the Legislature of the State of Texas.

Also, that he had transmitted to the State Department, An act to incorporate the Huntsville Academy—without his signature—it not having a certificate, that it was passed by, a constitutional majority.

A bill to be entitled an act to provide for the change of venue, in civil and criminal cases, was taken up and

On motion of Mr. Willie, laid upon the table until Monday next.

A bill to be entitled An act, to organize subordinate Land Offices, was taken up—with the report thereon, made by the Select Committee appointed to take the same into consideration.

On motion of Mr. Rose, the bill and report were laid upon the table, until Tuesday next.

A bill to be entitled An act, for the relief of purchasers of town, city and other lots—from the Government of Texas, was taken up; and

On motion of Mr. Cazneau, referred to the committee on Finance.

Mr. Rose moved, that a call of the House be made.

Motion carried.

Mr. Mabry moved, that a further call of the House be suspended.

Motion carried.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report.

COMMITTEE ROOM, }
April 11th 1846. }

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The committee on Enrolled Bills, have examined the following bills, and find them correctly enrolled:

An act defining the duties of Comptroller of Public Accounts; and

An act to create the county of Limestone.

Said bills, having been signed by the Speaker of the House of Representatives and the President *pro tem.*, of the Senate, were this day presented to his Excellency, the Governor, for his approval.

[Signed]

J. M. BURROUGHS,
Chairman.

Report read and accepted.

A message was received from the Senate, informing the House of the passage of the following bills and Resolutions, by that body:

A bill to be entitled An act, to release the county of Fannin of a certain portion of the debt, due to the citizens of that portion of the said county, now the county of Grayson—with amendments.

A bill to be entitled an act, to establish and define the limits of the county of San Patricio—with amendments.

A Joint Resolution for disposing of a portion of the public buildings, in the City of Austin—with amendments; and

A Resolution to go into the election of District Attorneys, on Monday next, at eleven o'clock.

The House was also informed, that the Senate had concurred in the amendments of the House, to a bill, to be entitled An act, to organize Justice's Courts; and to define the powers and jurisdiction of the same.

Mr. Bourland moved, to take up the Resolution (from the Senate) to go into the election of District Attorneys, on Monday next, at eleven o'clock.

Motion carried.

The Resolution was then read a first time.

Mr. Bourland moved, that the rule of the House, requiring Resolutions to lie on the table one day for consideration, be suspended.

Motion carried.

The resolution was then read a second time.

Mr. Mabry moved, to amend the resolution, by striking out the word "Monday," and inserting "Tuesday," instead thereof.

Amendment rejected.

On motion, the rule was further suspended; and

The resolution was read a third time and passed.

Mr. Holland, from the committee on Public Lands, reported a bill, to be entitled an act, describing the mode of obtaining and establishing Land Certificates;

Which was read a first time.

A bill to be entitled an act, to organize the District Courts, of the State of Texas, was taken up and

Read a first time.

Mr. Rose moved, that the rule of the House, requiring bills to be read on three several days, be suspended.

Motion carried.

The bill was then read a second time; and

On further motion, referred to the committee on the Judiciary.

On motion of Mr. Branch, the resolution, (from the Senate,) to go into an election for Public Printer, was taken up

Mr. Bourland moved to amend the resolution, by striking out the word "Tuesday," and inserting the words "Monday, at half past ten o'clock," in lieu thereof.

Amendment adopted.

Mr. Pease moved, to amend as follows:

"That sealed proposals be received, by the Clerk of the House, until that time."

Amendment adopted.

Mr. Gray moved to amend, by striking out the words "twenty-five hundred," before the word "laws."

Amendment adopted.

Mr. Rose moved, that the resolution be laid upon the table. Motion lost.

Messrs. Branch, Bourland, Cronican, Gray and Rose severally, offered amendments which were adopted.

[Mere allusions being made to these amendments, in the Journal, without the substance of any of them being given, renders it impossible for anything more than an *allusion* to them, to be furnished, by the Copyist, for publication.]

Mr. Charlton moved, that the House adjourn, until three o'clock, P. M.

Motion lost.

Mr. Williams moved, that the House adjourn, until Monday morning nine o'clock.

Motion lost.

Mr. Rose moved, that the resolution and amendments, be referred to the committee on Public Printing.

Motion lost.

Mr. Durham moved, that the resolution and amendments, be laid upon the table.

Motion lost.

Mr. Stevenson moved, that the House adjourn until Monday nine o'clock, A. M.

Motion lost.

Mr. Swift moved, that the House adjourn until three o'clock, P. M.

Motion lost.

Mr. Williams moved, that the bill be laid upon the table, until Monday next, at eleven o'clock, A. M.

Motion lost.

Mr. Durham moved, that the House adjourn until three o'clock, P. M.

Motion lost.

Question. Shall the resolution, now under consideration of the House, be adopted?

The House decided in the affirmative.

Mr. Echols moved, that the House adjourn until nine o'clock Monday morning.

The yeas and nays were called for thereon, and stood thus:

Yeas. Messrs. Branch, Bourland, Burroughs, Cazneau, Cronican, Dupree, Durham, Echols, Gooch, Howard, Hudson, Mabry, McCulloch, Miller, Noble, Ogden, Pattillo, Pease, Perkins, Redgate, Savage, Stevenson, White, Williams and Willie —25.

Nays. Messrs. Speaker, Adams, Barry, Brown, Charlton, Cooke, Dickson, Edwards of San Augustine, Eddy, Gray, Holland, Irion, Jones, McClarty, McCown, McFarland, McNeill,

Milican, Mullens, Perry, Railey, Rayner, Rose, Smith of Rusk, Swift and Truitt—26.

So the motion to adjourn was lost.

On motion of Mr. Gray, a call of the House was made.

Mr. Echols moved, that the House adjourn, until Monday morning, nine o'clock.

Motion carried, and the House adjourned, in accordance therewith.

HOUSE OF REPRESENTATIVES,
CITY OF AUSTIN, MONDAY,
April 13th 1846.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Branch, Brown, Charlton, Clark, Cronican, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Holland, Howard, Hudson, Irion, Jones, Keenan, Mabry, McCown, McCulloch, McFarland, McNeill, Miller, Muckleroy, Pattillo, Pease, Perry, Railey, Rayner, Redgate, Rose, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Truitt, White, Williams and Willie.

A quorum being present, the House proceeded to business.

The Journal of Saturday the eleventh instant, was read and adopted.

Mr. Gray, chairman of the committee on the Judiciary, made the following report:

To the Honorable Wm. E. Crump

Speaker of the House of Representatives:

The committee on the Judiciary have considered a bill, to be entitled an act, to provide for the removal of administrations of Estates, from the counties where they were opened, to the new counties, formed out of such counties, where the lands or

property of the Estate may lie or remain. They have also, had under consideration, a resolution on the same subject; and instruct me to report, as a substitute, the enclosed bill, to be entitled an act, providing for the transfer of the Records of administrations to new counties. The adoption and passage of said substitute, they respectfully recommend.

[Signed]

P. W. GRAY,
Chairman.

Which report was read and adopted.

Mr. Gray, chairman of the committee on the Judiciary, also made the following report:

COMMITTEE ROOM, }
April 11th 1846. }

*To the Honorable Speaker
of the House of Representatives :*

The committee on the Judiciary, have considered a bill, to be entitled an act, providing for, and regulating arbitrations and references; and a bill, (from the Senate) to be entitled an act, to authorize the settlement of disputes, by conciliation or arbitration; and instruct me to report back the bill, which originated in the House, with a recommendation, that it be laid upon the table.

The Senate's bill answers the same purposes; and is simpler in its provisions, than the former.

The committee recommend the following, as an amendment to the bill:

In the last section, strike out the words "and that this act be in force, and take effect from and after its passage."

With which amendment, the committee recommend the passage of the bill:

(Signed)

P. W. GRAY,
Chairman.

Report read and received, and, together with the bills, laid upon the table, to come up with the orders of the day.

Mr. Clark, chairman of the committee on State Affairs, made the following report:

COMMITTEE ROOM, }
April 13th 1846. }

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives :*

The committee on State Affairs, to whom was referred a bill, (from the Senate) to be entitled an act, for the regulation of

Pilots; have had the same under consideration; and have made the following amendments thereto, to wit:

FIRST. In the second line of the first section, strike out the words "of the State of Texas."

SECOND. In the third line of the fifth section, strike out the word "to," between the words "and" and "his."

With these amendments, they instruct me to report the bill back to the House, and to recommend its passage.

[Signed]

E. CLARK,
Chairman.

Report read and received, and, together with the bill, laid upon the table, to come up with the orders of the day.

Mr. Hudson introduced a bill, to be entitled an act, to incorporate the La Grange Female Institute."

Bill read a first time.

Mr. Branch introduced the following Resolution:

Resolved, That the committee on Finance be instructed to report, on to-morrow morning, on the bill, to be entitled an act, defining the duties of Assessors of Direct Taxes; also, on the bill, to be entitled An act, defining the duties of Collectors of Direct Taxes.

Resolution read and adopted.

On motion, the House proceeded to the

ORDERS OF THE DAY.

A bill to be entitled an act, to declare, what officers shall give certificates of Election in Senatorial elections, in Districts composed of more than one county, was taken up

Read a third time and passed.

Mr. Miller introduced the following resolution:

Resolved, That, as one of the standing rules of this House, the Speaker will recognize no member, as having a right to the floor, unless he *rise in his place*.

Resolution read and laid upon the table, one day for consideration.

A bill to be entitled an act, to legalize the several seals used by the General Land Office, was taken up

Read a third time and passed.

A message was received from the Senate, informing the House that the Senate had concurred in the amendments of the House to a resolution to go into the election of a Public Printer; and that they would meet the House, at the hour appointed.

A joint resolution relative to mail contractors, was taken up
Read a third time and passed.

On motion of Mr. Sadler, the House took a recess, until half
past ten o'clock.

HALF PAST TEN O'CLOCK, A. M.

The House met pursuant to adjournment.

The roll was called, and a quorum found present.

The House then proceeded to business.

On motion of Mr. Clark, a committee was appointed, to
wait upon the Senate, and invite them within the bar of the
House of Representatives, for the purpose of going into an
election for Public Printer, and District Attorneys for the sev-
eral Judicial Districts.

Messrs. Clark, Sadler and Brown, were appointed to com-
pose said committee of invitation.

The committee repaired to the Senate Chamber, and, in a
few minutes, returned and reported the duty assigned them,
discharged.

The Honorable members of the Senate with their President
at their head, made their appearance at the bar of the House.

The President of the Senate was invited to a seat by the
Speaker of the House, and the Honorable Senators to seats
prepared for them.

The rolls of the Senate and House of Representatives were
then called, by their respective Clerks, and quorums of each
body were found present.

The two Houses, in joint session, then proceeded to busi-
ness.

The following sealed proposals, for the Public Printing, were
then opened and severally read:

AUSTIN, April 11th 1846.

*To the Honorable the Speaker
of the House of Representatives:*

In accordance with a Resolution of the Honorable the Legisla-
ture of the State of Texas, to receive sealed proposals for the
printing of the Laws and Journals, of the first Legislature of
the State, the undersigned respectfully submits, for the consid-
eration of the honorable, the members, the following proposi-
tion:

I will print *correctly*, on good paper, in a neat and workman-like manner, the Journals at one fourth of one cent, per page—the Laws at *one eighth* of one cent, per page. Which will make the printing of a volume of the laws—of fifty pages cost the State six and one fourth cents. The page to be the same size, and the type of the same character, (small pica) as the laws and Journals of the last Congress. The work to be ready for delivery, within twenty or thirty days after the receipt of the last copy. For the faithful performance of which, bond and security will be given if required.

The undersigned further proposes, to publish all the laws of the Legislature, in the "Democratic Telegraph and Texas Register," *free of expense* to the State; which, from its extensive circulation, will give a general diffusion of the laws, and thus place within the reach of almost every citizen of the State, the means of understanding the laws under which they live; where, otherwise, they can only be found in the possession of some few of the Government Officers.

Respectfully, I have
the honor to be, etc.,

(Signed)

J. W. CRUGER.

CITY OF AUSTIN, }
April 13th 1846 }

To B. F. HILL, Esq.,

Chief Clerk of the House of Representatives:

Sir—I will execute the printing for the first Legislature of Texas, upon the following terms to wit:

For the laws and other printing included in the Resolution of the Legislature, *one fourth of one cent per page.*

For the Journals *one third of one cent per page.*

I will perform the work in the shortest possible time, after the copy is delivered to me—on good type and in workman-like manner.

(Signed)

Yours, respectfully,
JOHN G. CHALMERS,
Editor "New Era."

To the Honorable the Senate

and House of Representatives:

The undersigned propose to print Laws, Constitution, &c.

&c., as mentioned in a Resolution of your honorable body, for one sixth of one cent per page; and the Journals, of both Houses for one fourth of one per cent per page.

(Signed)

Yours, respectfully,
FORD & CRONICAN.

AUSTIN, April 11th 1846.

The two Houses then proceeded to the election (*viva voce*) of a Public Printer, for the first Legislature of the State of Texas.

Messrs. Cruger, Chalmers and Ford and Cronican, being in nomination.

The Senate having voted, the Chief Clerk proceeded to call the roll of the House—the members voting as their respective names were called.

Mr. Cruger received the votes of the following members:

Messrs. Barry, Brown, Branch, Burroughs, Charlton, Dickson, Durham, Gray, Gillett, Gooch, Keenan, McFarland, Muckleroy, Noble, Pease, Railey, Russell, Smith of Harris and Sublett—19.

Dr. John G. Chalmers received the votes of the following members:

Messrs. Speaker, Adams, Clark, Cooke, Dupree, Holland, Howard, Hudson, Irion, Jones, Mabry, McClarty, McCown, McCulloch, McNeill, Mullens, Perkins, Perry, Redgate, Rose, Ryburn, Stewart, Smith of Rusk, Swift, Williams and Willie—26.

Messrs. Ford and Cronican, received the votes of the following members:

Messrs. Bourland, Cronican, Echols, Edwards of San Augustine, Edwards of Nacogdoches, Eddy, Erath, Gilliam, Miller, Milican, Ogden, Pattillo, Rayner, Sadler, Savage, Stevenson, Truitt and White—18.

IN THE SENATE.

Mr. Cruger received	9	votes.
" Chalmers "	6	"
Messrs. Ford & Cronican "	5	"

RECAPITULATION.

Mr. Cruger received	28	votes.
" Chalmers "	32	"
Messrs. Ford & Cronican "	22	"

Neither of the candidates having received a majority of all the votes given, the two Houses proceeded to vote a second time.

ON THE SECOND VOTING,

Mr. Cruger received the votes of the following members:

Messrs. Branch, Brown, Burroughs, Charlton, Dickson, Durham, Gray, Gillett, Muckleroy, Noble, Pease, Railey, Russell, Stewart, and Smith of Harris—15.

Dr. John G. Chalmers received the votes of the following members:

Messrs. Speaker, Adams, Cazneau, Clark, Cooke, Dupree, Gooch, Holland, Howard, Hudson, Irion, Jones, Keenan, Mabry, McClarty, McCown, McCulloch, McFarland, McNeill, Mullens, Perkins, Perry, Redgate, Rose, Ryburn, Swift, Williams and Willie—28.

Messrs. Ford and Cronican, received the votes of the following members:

Messrs. Barry, Bourland, Cronican, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gilliam, Miller Milican, Ogden, Pattillo, Rayner, Sadler, Savage, Stevenson, Smith of Rusk, Sublett, Truitt and White—21.

IN THE SENATE.

Mr. Cruger received 7 votes.

" Chalmers " 7 "

Messrs. Ford & Cronican " 5 "

RECAPITULATION.

Mr. Cruger received 22 votes.

" Chalmers " 35 "

Messrs. Ford & Cronican " 26 "

Neither of the candidates having received a majority of all the votes given, the two Houses proceeded to vote a third time.

ON THE THIRD VOTING,

Messrs. Ford and Cronican received the votes of the following members:

Messrs. Barry, Branch, Bourland, Brown, Cronican, Dickson, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gilliam, Miller, Milican, Muckleroy, Ogden, Pattillo, Rayner, Russell, Sadler, Savage, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Sublett, Truitt and White—28.

Dr. John G. Chalmers received the votes of the following members:

Messrs. Speaker, Adams, Cazneau, Clark, Cooke, Dupree, Durham, Gooch, Holland, Howard, Hudson, Irion, Jones, Keenan, Mabry, McClarty, McCown, McCulloch, McFarland, McNeill, Mullens, Perkins, Perry, Redgate, Rose, Swift, Williams and Willie—28.

Mr. Cruger received the votes of the following members:

Messrs. Burroughs, Charlton, Gray, Gillett, Noble, Pease and Railey—7.

IN THE SENATE.

Messrs. Ford and Cronican received	8	votes.
Mr. Chalmers	7	"
" Cruger	4	"

RECAPITULATION.

Messrs. Ford and Cronican received	36	votes.
Mr. Chalmers	35	"
" Cruger	11	"

No selection having been made, the two Houses proceeded to vote a fourth time.

Mr. Gray withdrew the nomination of Mr. J. W. Cruger.

Mr. Jones proposed to amend the proposal of Mr. Chalmers, so as to read, "the one sixth of one cent, per page; or on the same terms that the Editors of the '*Democrat*' propose."

The Senate having voted, the House then proceeded to vote, as before, *viva voce*.

ON THE FOURTH VOTING,

Messrs. Ford and Cronican received the votes of the following members:

Messrs. Barry, Bourland, Brown, Burroughs, Charlton, Cronican, Dickson, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gilliam, Miller, Milican, Muckleroy, Noble, Ogden, Pattillo, Railey, Rayner, Russell, Sadler, Savage, Stevenson, Smith of Harris, Smith of Rusk, Sublett, Truitt and White—31.

Dr. John G. Chalmers received the votes of the following members:

Messrs. Speaker, Adams, Branch, Cazneau, Clark, Cooke, Dupree, Durham, Gooch, Holland, Howard, Hudson, Irion, Jones, Keenan, Mabry, McClarty, McCown, McCulloch, McFarland, McNeill, Mullens, Pease, Perkins, Perry, Redgate, Rose, Ryburn, Stewart, Swift, Williams and Willie—32.

IN THE SENATE.

Messrs. Ford and Cronican received	11	votes.
Mr. Chalmers	9	"

RECAPITULATION.

Messrs. Ford and Cronican received	42	"
Mr. Chalmers	41	"

Messrs. Ford and Cronican, having received a majority of all the votes given, were declared duly elected Public Printers, for the first Legislature of the State of Texas.

The two Houses then proceeded to the election of District

Attorneys, for the several Judicial Districts of the State.

The Districts were taken up in order.

FOR THE FIRST JUDICIAL DISTRICT.

Mr. Perkins nominated Mr. Quinan.

“ Rayner “ “ Waller.

The two Houses then proceeded to vote, *viva voce*.

Mr. Quinan received the votes of the following members:

Messrs. Barry, Bourland, Clark, Cronican, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Howard, Hudson, Jones, Keenan, Mabry, McFarland, McNeill, Miller, Pease, Perkins, Perry, Rose, Russell, Sadler, Savage, Smith of Rusk, Swift and Sublett—27.

Mr. Waller received the votes of the following members:

Messrs. Speaker, Adams, Branch, Brown, Burroughs, Cazneau, Charlton, Cooke, Dupree, Durham, Echols, Gillett, Gilliam, Gooch, Holland, Irion, McClarty, McCown, McCulloch, Muckleroy, Mullens, Noble, Ogden, Pattillo, Railey, Rayner, Redgate, Ryburn, Stevenson, Smith of Harris, Truitt, White, Williams and Willie—34.

IN THE SENATE.

Mr. Quinan received 7 votes.

“ Waller “ 13 “

RECAPITULATION.

Mr. Quinan received 34 votes,

“ Waller “ 47 “

Mr. Waller, having received a majority of all the votes given, was declared duly elected District Attorney, of the first Judicial District, for the next ensuing two years.

FOR THE SECOND JUDICIAL DISTRICT.

Mr. McCulloch nominated Mr. Green.

“ Mabry “ “ Rector.

The roll was called, and the members proceeded to vote, as before, *viva voce*.

Mr. Green received the votes of the following members:

Messrs. Speaker, Adams, Branch, Bourland, Brown, Cazneau, Charlton, Clark, Dupree, Durham, Edwards of San Augustine, Eddy, Erath, Gooch, Holland, Howard, Hudson, Irion, Jones, McClarty, McCulloch, Muckleroy, Mullens, Ogden, Pease, Perry, Railey, Redgate, Rose, Russell, Ryburn, Stevenson, Smith of Harris, Swift, Williams and Willie—36.

Mr. Rector received the votes of the following members:

Messrs. Barry, Burroughs, Cronican, Dickson, Echols, Edwards of Nacogdoches, Gray, Gillett, Gilliam, Keenan, Mabry, McCown, McFarland, McNeill, Milican, Noble, Pattillo, Per-

kins, Rayner, Sadler, Savage, Stewart, Smith of Rusk, Truitt and White—25.

IN THE SENATE.

Mr. Green received 16 votes.

" Rector " 4 "

RECAPITULATION.

Mr. Green received 52 votes.

" Rector " 29 "

Mr. Green having received a majority of all the votes given, was declared duly elected District Attorney, of the second Judicial District, for the next ensuing two years.

FOR THE THIRD JUDICIAL DISTRICT.

Mr. Cooke nominated Mr. Thomas Johnson.

" Erath " " N. C. Raymond.

" Dupree " " Armstrong.

The roll was called, and the members proceeded to vote, as before, *viva voce*.

Mr. Johnson received the votes of the following members:

Messrs. Adams, Branch, Burroughs, Charlton, Cooke, Cronican, Dickson, Edwards of Nacogdoches, Edwards of San Augustine, Gillett, Holland, Jones, McFarland, McCown, McCulloch, Miller, Milican, Muckleroy, Mullens, Ogden, Pattillo, Pease, Perry, Redgate, Russell, Sadler, Savage, Stewart, Smith of Harris, Sublett and White—31.

Mr. Raymond received the votes of the following members:

Messrs. Erath, Gray, Mabry and Perkins—4.

Mr. Armstrong received the votes of the following members:

Messrs. Speaker, Barry, Bourland, Brown, Cazneau, Clark, Dupree, Durham, Echols, Eddy, Gilliam, Gooch, Howard, Hudson, Irion, Keenan, McClarty, McNeill, Noble, Bailey, Rayner, Rose, Ryburn, Smith of Rusk, Swift, Truitt, Williams and Willie—28.

IN THE SENATE.

Mr. Johnson received 14 votes.

" Raymond " 4 "

" Armstrong " 2 "

RECAPITULATION.

Mr. Johnson received 45 votes.

" Raymond " 8 "

" Armstrong " 30 "

Mr. Johnson having received a majority of all the votes given was declared duly elected District Attorney, of the third Judicial District, for the next ensuing two years.

FOR THE FOURTH JUDICIAL DISTRICT.

Mr. Stevenson nominated Mr. Peterson.

" Rose " " Cunningham.

There being no other nominations, the House proceeded to vote.

Mr. Peterson received the votes of the following members:

Messrs. Speaker, Adams, Branch, Brown, Cazneau, Charlton, Cooke, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gilliam, Gooch, Holland, Howard, Hudson, Irion, Keenan, Mabry, McClarty, McCown, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Ogden, Pattillo, Pease, Perkins, Perry, Railey, Rayner, Redgate, Russell, Ryburn, Sadler, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Truitt, White and Willie—50.

Mr. Cunningham received the votes of the following members:

Messrs. Barry, Bourland, Burroughs, Clark, Cronican, Erath, Gray, Gillett, McCulloch, McFarland, Rose, Savage and Williams—13.

IN THE SENATE.

Mr. Peterson received 16 votes.

" Cunningham " 4 "

RECAPITULATION.

Mr. Peterson received 66 votes.

" Cunningham " 17 "

Mr. Peterson having received a majority of all the votes given, was declared duly elected District Attorney, of the fourth Judicial District, for the next ensuing two years.

FOR THE FIFTH JUDICIAL DISTRICT.

Mr. Eddy nominated Mr. Kinsey.

" Edwards " " Ardry.

" Burroughs " " Lawhon.

" Echols " " A. W. O. Hicks.

There being no other nominations, the House proceeded to vote.

Mr. Ardry received the votes of the following members:

Messrs. Barry, Cazneau, Clark, Cooke, Dickson, Durham, Edwards of San Augustine, Gray, Holland, Howard, Jones, Keenan, McCown, McCulloch, McFarland, McNeill, Miller, Muckleroy, Mullens, Pattillo, Pease, Perkins, Ryburn, Sadler, Savage, Stevenson, Stewart, Smith of Harris, Swift and Sublett—30.

Mr. Lawhon received the votes of the following members:

Messrs. Bourland, Brown, Burroughs, Gillett, Gilliam, Gooch and Noble—7.

Mr. Hicks received the votes of the following members:

Messrs. Speaker, Adams, Branch, Charlton, Cronican, Echols, Edwards of Nacogdoches, Erath, Irion, McClarty, Milican, Perry, Railey, Rayner, Rose, Smith of Rusk, Truitt, White and Willie—12.

Mr. Kinsey received the votes of the following members:

Messrs. Eddy, Hudson, Ogden—3.

IN THE SENATE.

Mr. Ardry received 10 votes.

" Kinsey " 5 "

" Hicks " 5 "

RECAPITULATION.

Mr. Ardry received 40 votes.

" Kinsey " 8 "

" Lawhon " 7 "

" Hicks " 24 "

Mr. Ardry having received a majority of all the votes given, was declared duly elected District Attorney, of the fifth Judicial District, for the next ensuing two years.

FOR THE SIXTH JUDICIAL DISTRICT.

Mr. Smith of Rusk, nominated Mr. McClarty.

" Brown " " Cage.

There being no other nominations the House proceeded to vote.

Mr. McClarty received the votes of the following members:

Messrs. Speaker, Adams, Barry, Branch, Burroughs, Cazneau, Clark, Cronican, Dickson, Dupree, Durham, Echols, Gillett, Gilliam, Gooch, Holland, Howard, Irion, Jones, Keenan, Mabry, McFarland, McNeill, Milican, Mullens, Noble, Ogden, Perry, Railey, Rose, Russell, Ryburn, Savage, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Swift, Truitt, White, Williams and Willie—42.

Mr. Cage received the votes of the following members:

Messrs. Brown, Charlton, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Hudson, McGown, McCulloch, Miller, Muckleroy, Pattillo, Pease, Perkins, Rayner, Sadler and Sublett—18.

IN THE SENATE.

Mr. McClarty received 7 votes.

" Cage " 12 "

RECAPITULATION.

Mr. McClarty received 49 votes.

" Cage " 30 "

Mr. McClarty having received a majority of all the votes given, was declared duly elected District Attorney of the sixth Judicial District, for the next ensuing two years.

FOR THE SEVENTH JUDICIAL DISTRICT.

Mr. Keenan nominated Mr. Hay.

" Charlton " " Palmer.

There being no other nominations, the House proceeded to vote.

Mr. Hay received the votes of the following members:

Messrs. Adam, Barry, Burroughs, Clark, Cooke, Cronican, Dickson, Dupree, Durham, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Howard, Irion, Keenan, Mabry, McClarty, McCown, McCulloch, McFarland, McNeill, Miller, Milican, Mullens, Noble, Ogden, Pease, Perkins, Perry, Railey, Redgate, Russell, Ryburn, Sadler, Stevenson, Stewart, Smith of Rusk, Sublett, White and Willie—42.

Mr. Palmer received the votes of the following members:

Messrs. Speaker, Branch, Brown, Cazneau, Charlton, Echols, Edwards of Nacogdoches, Gooch, Holland, Hudson, Jones, Muckleroy, Pattillo, Rayner, Rose, Savage, Smith of Harris, Truitt and Williams—19.

IN THE SENATE.

Mr. Hay received 9 votes.

" Palmer " 11 "

RECAPITULATION.

Mr. Hay received 51 votes.

" Palmer " 30 "

Mr. Hay, having received a majority of all the votes given, was declared, duly elected District Attorney, of the seventh Judicial District, for the next ensuing two years.

FOR THE 8TH JUDICIAL DISTRICT.

Mr. Russell nominated Mr. Young.

" Rayner " Mr. John Smith.

There being no other nominations, the House proceeded to vote.

Mr. Young received the votes of the following members:

Messrs. Speaker, Adams, Barry, Bourland, Brown, Burroughs, Cazneau, Charlton, Clark, Cronican, Durham, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Howard, Hudson, Irion, Keenan, McClarty, McCown, McCulloch, McFarland, McNeill, Miller, Milican, Mullens, Noble, Ogden, Pattillo, Pease, Railey, Russell, Ry-

burn, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift Sublett, Truitt, White and Williams—47.

Mr. John Smith received the votes of the following members:

Messrs. Branch, Cooke, Dickson, Dupree, Edwards of Nacogdoches, Jones, Mabry, Muckleroy, Perkins, Perry, Rayner, Rose, Sadler, Stevenson and Willie—15.

IN THE SENATE.

Mr. Young received. 15 votes.

" Smith " 6 "

RECAPITULATION.

Mr. Young received 62 votes.

" Smith " 20 "

Mr. Young, having received a majority of all the votes given, was declared, duly elected District Attorney, of the eighth Judicial District, for the next ensuing two years.

The elections having been gone through with, the Hon. Senators retired to their own chamber.

On motion of Mr. Bourland, the House then adjourned, until 3 o'clock, p. m.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Brown, Burroughs, Cazneau, Charlton, Clark, Cooke, Cronican, Dickson, Dupree, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Howard, Hudson, Irion, Jones, Mabry, McClarty, McCown, McCulloch, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Pattillo, Pease, Perkins, Railey, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Swift, Truitt, White, Williams and Willie.

A quorum being present, the House proceeded to business.

A message was received from his Excellency, the Governor, informing the House that he had approved and signed the following bills:

An act, to prescribe the time of the biennial meeting of the Legislature, of the State of Texas.

An act to create the County of Limestone, and

An act, defining the duties of the Comptroller of Public Accounts, of the State of Texas.

A bill, to be entitled, An act, organizing the County Courts—having been made the special order, for to-day—was taken up.

Mr. Rose moved, to amend the bill, by striking out all, after the words, "and to try contested elections, for County Officers."

Mr. Gray moved, that a call of the House be made.

Motion carried.

On motion of Mr. White, a further call of the House was suspended.

The yeas and nays were then called, on the adoption of Mr. Rose's amendment, and stood as follows:

Yeas. Messrs. Brown, Cazneau, Clark, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gillett, Howard, Hudson, Irion, McCulloch, Pease, Perkins, Rose, Russell, Sadler, Swift and White—18.

Nays. Messrs. Speaker, Adams, Barry, Burroughs, Charlton, Cooke, Cronican, Dickson, Dupree, Erath, Gray, Gilliam, Gooch, Jones, Mabry, McCown, McFarland, McNeill, Miller, Milican, Mullens, Noble, Pattillo, Perry, Railey, Rayner, Redgate, Ryburn, Savage, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Truitt, White and Williams—36.

Amendment rejected.

Mr. Pease moved, to amend the bill, by striking out the word, "also," and inserting the words, "the Chief Justices of the County Court shall."

The yeas and nays were called, on the adoption of Mr. Pease's amendment, and stood as follows:

Yeas. Messrs. Cazneau, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gillett, Howard, Hudson, McCulloch, Miller, Pease, Perkins, Rose, Russell, Sadler, Swift and Williams—16.

Nays. Messrs. Speaker, Adams, Barry, Brown, Burroughs, Charlton, Clark, Cooke, Cronican, Dickson, Dupree, Erath, Gray, Gilliam, Gooch, Irion, Jones, Mabry, McClarty, McCown, McFarland, McNeill, Milican, Muckleroy, Mullens, Noble, Pattillo, Railey, Rayner, Redgate, Ryburn, Savage, Stevenson, Smith of Harris, Smith of Rusk, Truitt, White and Willie—38.

So the amendment was rejected.

Mr. Eddy moved to amend the bill by inserting the words "said Commissioners shall not be allowed to make any charge while sitting as a Probate Court."

The yeas and nays were called, on the adoption of Mr. Eddy's amendment, and stood as follows:

Yeas. Messrs. Brown, Cazneau, Clark, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gillett, Howard, Hudson, Irion, Jones, McCulloch, Pattillo, Pease, Perkins, Rose, Sadler, Swift, Williams and Willie—20.

Nays.—Messrs. Speaker, Adams, Barry, Burroughs, Charlton, Cooke, Cronican, Dickson, Dupree, Erath, Gray, Gilliam, Gooch, Mabry, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble, Railey, Rayner, Redgate, Russell, Ryburn, Savage, Stewart, Smith of Harris, Smith of Rusk, Truitt and White—33

So the amendment was rejected.

Mr. Mabry moved, that the sense of the House be taken on the previous question.

Motion lost.

Mr. Pattillo moved, to amend the bill, by striking out the words, "four years," and inserting "two years," in lieu thereof.

Amendment adopted.

Mr. Gillett offered the following as an amendment to the bill:

Strike out the words "Chief Justice," and insert the words, "County Court," after the word "appoint."

Amendment adopted.

Mr. Gillett then moved to amend the bill, by striking out the words, "one-half," and inserting, in lieu thereof, the words, "not to exceed the amount of tax, assessed by the State."

The yeas and nays were called, on the adoption of Mr. Gillett's amendment and stood as follows:

Yeas.—Messrs. Speaker, Adams, Barry, Cazneau, Charlton, Cooke, Cronican, Dickson, Durham, Gillett, Gilliam, Holland, McClarty, McFarland, McNeill, Miller, Mullens, Perry, Railey, Rayner, Redgate, Rose, Savage, Swift, White and Williams—26.

Nays.—Messrs. Bourland, Brown, Burroughs, Clark, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gray, Gooch, Irion, Jones, Mabry, McCown, McCulloch, Milican, Muckleroy, Noble, Pattillo, Pease, Perkins, Russell, Ryburn, Sadler, Stewart, Smith of Harris, Truitt and Willie—27.

So the Amendment was rejected.

Mr. Rose offered the following, as an amendment to the bill:

Insert the words, "and to try civil actions, in causes under three hundred dollars; and a jury shall be empannelled, to try

all issues of fact, at the suggestion of either party—whether in relation to successions, or in civil suits.”

Amendment rejected.

Mr. Willie offered the following as an amendment, to the bill:

Insert the words, “the County Courts shall cause to be published, in some newspaper, nearest the county seat of their respective counties, within twenty days after the county tax has been levied, an advertisement—showing what amount of tax has been, by them fixed, as the county tax for that year.”

Amendment rejected.

Mr. Gray offered the following, as a substitute for the 8th section of the bill:

“That the County Courts, of each county, may draw, each year, from the collector of State taxes, in the county, a sum, not exceeding one half of the amount, levied and collected, in that county, for the State.

Substitute rejected.

Mr. Miller moved, to amend the bill, by striking out the words “one-half,” and inserting, in their stead, “three-fourths.”

Amendment rejected.

Mr. Perkins moved, to amend the eighth section of the bill, by striking out the words, “and collect.”

Amendment rejected.

Mr. Russell moved, that the sense of the House be now taken, on the previous question.

Motion carried.

Question—Shall the bill now under consideration of the House, be engrossed?

The yeas and nays were called thereon, and stood as follows:

Yeas.—Messrs. Speaker, Adams, Barry, Burroughs, Cooke, Cronican, Dickson, Dupree, Durham, Erath, Gray, Gilliam, Gooch, Mabry, McClarty, McCown, McFarland, McNeill, Milican, Muckleroy, Mullens, Noble, Pattillo, Railey, Rayner, Redgate, Russell, Ryburn, Savage, Stewart, Smith of Harris, Smith of Rusk, Williams and White—34.

Nays.—Messrs. Cazneau, Charlton, Clark, Edwards of San Augustine, Edwards of Nacogdoches, Eddy, Gillett, Howard, Irion, Jones, Miller, Pease, Perkins, Perry, Rose, Sadler, Swift, Sublett, Truitt and Willie—20.

So the question was decided in the affirmative, and the bill ordered to be engrossed.

A bill, to be entitled, “An act, to organize the militia of the State of Texas was taken up;

Read a third time and passed.

Mr. Gillett introduced "An amendment to the Constitution—providing for the election of Judges."

Which was read a first time.

On motion of Mr. McCown, the House adjourned, until to-morrow, nine o'clock, A. M.

HOUSE OF REPRESENTATIVES,
CITY OF AUSTIN, TUESDAY,
April 14th 1846.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry Branch, Brown, Burroughs; Cazneau, Charlton, Clark, Cooke, Cronican, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Howard, Hudson, Irion, Keenan, Mabry, McClarty, McCown, McCullech, McFarland, McNeill, Miller, Milican, Muckleroy, Noble, Ogden, Pattillo, Perkins, Perry, Railey, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Stevenson, Smith of Harris, Smith of Rusk, Sublett, Swift, Truitt, White, Williams and Willie.

A quorum being present, the House proceeded to business.

Mr. Perkins moved, that the reading of the Journal of yesterday, be suspended, until to-morrow, the 15th inst.

Motion carried.

Mr. Howard presented the petition of Chancy Johnson and James S. Johnson—praying for relief.

Petition read, and,

On motion of Mr. Howard, referred to a select committee.

The Speaker appointed Messrs. Howard, Rose, Brown, McFarland and Adams, to compose said committee.

Mr. Dupree introduced a "Resolution, fixing the adjournment of the two Houses, *sine die* on the 20th inst.

Resolution read a first time.

Mr. Perkins moved, that the rule of the House, requiring resolutions to lie on the table, one day, for consideration, be suspended.

Motion lost.

On motion of Mr. Perkins, the resolution, (introduced by Mr.

(Cooke, on a previous day,) fixing the adjournment, *sine die*, of the two Houses of the Legislature, on the — day of April," was taken up.

Mr. Perkins moved that the blank before the word "April," be filled with the words "twenty-seventh."

Mr. Williams offered the following, as a substitute for the resolution:

"*Resolved*, That with the concurrence of the Senate, the two Houses of the Legislature will stand adjourned, on to-day, *sine die*."

Substitute rejected.

Mr. Erath offered the following, as a substitute for the resolution:

"*Resolved*, That, with the concurrence of the Senate, the two Houses of the Legislature adjourn, *sine die*, on Monday, the fourth of May, 1846."

Mr. Gilliam offered the following, as an amendment to the substitute:

"*Be it further Resolved*, That this joint resolution is, hereby, declared irrevocable."

Mr. Durham moved, that the House take up the previous question.

Motion carried.

On motion of Mr. Williams, a call of the House was made.

Mr. Rose moved, that Messrs. Bourland and Mullens be excused from attending the House to-day.

Motion carried.

On motion of Mr. Rose, a further call of the House was suspended.

MR. WHITE IN THE CHAIR.

Mr. Russell offered a substitute for the resolution.

Mr. Williams moved, that the resolution, substitutes and amendments, be laid upon the table.

The Chair decided the motion out of order.

Mr. Williams appealed from the decision of the Chair.

The sense of the House was taken, thereon, and the decision of the Chair sustained.

Mr. Brown moved, that the blank in the original resolution, be filled with the word "thirtieth," before the word "April."

Mr. Gillett moved, to fill the blank with the words, "fifteenth of May."

The question then arose, as to *what was the previous ques-*

The Chair decided, that the filling of the Blank, in the original resolution, with the words "twenty-seventh," was the previous question.

Mr. Ogden appealed from the decision of the Chair.

The sense of the House was taken, thereon, and the appeal from the decision of the Chair sustained.

The yeas and nays were then called on the motion to fill the blank, in the resolution, with the words "thethirtieth," before the word "April," and stood as follows:

Messrs. Adams, Brown, Burroughs, Clark, Cooke, Cronican, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gillett, Gilliam, Gooch, Howard, Mabry, McCulloch, McFarland, Miller, Milican, Muckleroy, Pattillo, Pease, Perkins, Rose, Savage, Stevenson, Stewart, Swift, Sublett, Williams and Willie—33.

Nays—Messrs. Speaker, Branch, Cazneau, Charlton, Dickson, Dupree, Echols, Erath, Holland, Irion, McClarty, McCown, McNeill, Noble, Ogden, Perry, Railey, Rayner, Redgate, Russell, Ryburn, Smith of Harris, Smith of Rusk, Truitt and White—25.

So the motion was carried.

Mr. Rose offered the following as an amendment to the resolution:

"And that no new business be received in either House—except reports from committees, upon references made to them; and except a *fee bill* and a *general appropriation bill*—after the eighteenth inst.

Amendment rejected.

Question—Shall the resolution, now under consideration of the House, be adopted?

The question was decided in the affirmative, and the resolution adopted.

On motion, the House proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled, "An Act for the relief of John Karner," was taken up,

Read a third time, and passed.

By leave, Mr. Rose introduced the following resolution:

"*Resolved*, That, with the concurrence of the Senate, no new business—except reports of committees, upon references made before the eighteenth inst,—will be received after that day; other than a *general fee bill* and an *appropriation bill*."

Resolution read, and laid upon the table, one day, for consideration.

A bill, to be entitled, "An Act regulating Pilots," was taken up—with the report thereon, made by the committee on State Affairs.

Report read, and the amendments therein proposed, adopted.

Mr. Burroughs moved that the bill be passed to a third reading.

Motion carried.

On motion of Mr. Cazneau, the rule of the House, requiring in bills to be read on three several days, was suspended.

The bill was then read a third time, by its caption, and passed.

Mr. Stewart, by leave, introduced a bill, to be entitled, "An Act, making appropriations, for the years 1846 and 1847."

Bill read a first time.

Mr. Stewart moved, that the rule of the House, requiring bills to be read on three several days, be suspended.

Motion carried.

The bill was then read a second time.

Mr. Branch moved that the bill be referred to a select committee; and that the Senate be requested to appoint a like committee, to act in conjunction with that of the House.

Motion carried.

The Speaker appointed Messrs. Branch, Ogden, McNeill, Echols and Smith of Harris, to compose said committee.

A bill, to be entitled, "An Act to incorporate the City of Corpus Christi," was taken up,

Read a third time and passed.

A bill, to be entitled, "An Act to provide for the registration of Deeds and other instruments, executed out of the State of Texas," was taken up,

Read a third time and passed.

A bill, to be entitled, "An Act, to have the lines run, between the counties of Robertson and Limestone; Robertson and Navarro, and Leon and Navarro," was taken up,

Read a third time and passed.

A bill, to be entitled, "An Act, to establish and define the limits of San Patricio county," was taken up, with the amendments, thereto, offered by the Senate.

Amendments read and concurred in.

A bill, to be entitled, "An Act, to provide for disposing of a portion of the Public Buildings, in the City of Austin,"—was taken up, with the amendments thereto, offered by the Senate.

The yeas and nays were called, on the adoption of the Senate's amendments, and stood as follows:

Yeas.—Messrs. Speaker, Adams, Bourland, Cazneau, Cooke Dupree, Durham, Eddy, Erath, Howard, Hudson, Irion, Keenan, Mabry, McCown, McCulloch, McFarland, McNeill, Miller, Muckleroy, Ogden, Pattillo, Perkins, Perry, Rayner, Redgate, Rose, Russell, Ryburn, Stevenson, Smith of Rusk, Swift, White, Williams and Willie—35.

Nays.—Messrs. Barry, Brown, Burroughs, Clark, Dickson, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Gray, Gilliam, Gooch, Holland, Sadler, Savage, Stewart, Smith of Harris, and Truitt—17.

So the Senate's amendments were adopted.

A bill, to be entitled, "An Act, to release the county of Fannin, from a portion of the debt, due by the counties of Grayson, Denton and Hunt,"—was taken up, with the amendments thereto, offered by the Senate.

Amendments read and concurred in.

A bill, to be entitled, "An Act, to provide for the change of venue, in civil and criminal cases,"—was taken up, with the report thereon, made by the committee on the judiciary.

Mr. Willie moved, that the bill and report be laid upon the table, until Saturday next.

Motion lost.

Mr. Howard moved, that the bill be re-committed to the committee on the judiciary.

Motion carried.

A bill, to be entitled, "An Act, to provide for the publication of the law,"—was taken up, together with the report of the committee on the judiciary, thereon.

Report read and adopted.

On motion, the bill was ordered to be engrossed.

Mr. Rose, by leave, introduced a bill, to be entitled, "An Act, supplemental to an act, dividing the State into eight Judicial Districts."

Bill read a first time.

A "Joint resolution, granting permission to parties, petitioning the Legislature, to withdraw their memorials," was taken up, and

Read a first time.

A bill, to be entitled, "An Act, authorizing the transfer of Judicial proceedings, from old to new counties," was taken up, and

Read a first time.

A bill, to be entitled, "An Act, authorizing the Governor to demand and receive, any money, due the State of Texas, by the Government of the United States," was taken up, and

Read a first time.

A bill, to be entitled, "An Act, authorising plaintiffs and defendants, or their attorneys, to file briefs in the Supreme Court—which shall be taken as an appearance,"—was taken up, and

Read a first time.

A bill, to be entitled, "An Act, to secure to the volunteers in the Naval service, their bounty land," was taken up, and

Read a first time.

A bill, to be entitled, "An Act, to vest in the State, escheated property," was taken up, and

Read a first time.

Mr. Echols moved, that the House adjourn, until half past 3 o'clock, P. M.

Motion lost.

The "Resolution, requiring each member, to *rise in his place*, when he addresses the Speaker," was taken up, and

Read a second time.

Mr. Rayner moved that the resolution be laid upon the table.

Motion lost.

Mr. Williams moved, to amend the resolution, by inserting the following:

"That every member keep his place, or be considered *out of order*."

Amendment rejected.

Mr. Dupree offered the following, as an amendment to the resolution:

"That no member be allowed to sit cross legged, or put his legs upon his table, so as to obstruct a passage between the tables"

Amendment rejected.

On motion of Mr. Erath, the resolution was laid upon the table, until the first day of August.

A bill, to be entitled, "An act, to authorize the settlement of disputes, by arbitration or conciliation," was taken up, together with the report of the committee on the Judiciary, thereon.

Report read and adopted; and,

On motion, the bill was passed to a third reading.

Mr. Durham moved, that the House adjourn, until three o'clock P. M.

Motion lost.

A bill, to be entitled, "An act, for the relief of the citizens of Springfield, Limestone county," was taken up, together with the report of the select committee, thereon,

Report read; and,

On motion of Mr. Branch, the bill and report were referred to the committee on the Judiciary.

On motion of Mr. Ogden, the House adjourned until three o'clock P. M.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and a quorum being present,

The House proceeded to business.

Mr. Gray introduced a bill, to be entitled, "An act, to regulate the practice of Attorneys and Counsellors at Law."

Bill read a first time.

Mr. Rose introduced a bill, to be entitled, "An act, proposing an amendment to the Constitution."

Bill read a first time.

A bill, to be entitled, "An act, to prohibit free negroes from settling within this State—south of latitude 36°, 30'," was taken up, with the report of the committee on the Judiciary, thereon.

Mr. Miller moved that the words, "south of 36°, 30'," be stricken out of the bill.

Amendment adopted.

Mr. Rose offered to amend the bill, by striking out the words, "fourteen years," and inserting, in lieu thereof, the words: "for life."

Amendment adopted.

On motion, the amendments, proposed by the committee on the judiciary, were

Read and adopted; and

On further motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, to incorporate the La Grange Female Institute," was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Education.

A bill, to be entitled, "An act, describing and defining the mode of establishing land certificates," was taken up, and

Read a second time.

On motion of Mr. Mabry, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, to provide for the removal of records of administrations, to new counties," was taken up, together with the report of the committee on the Judiciary, thereon.

Report read and adopted; and

On motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, to define the boundaries of Rusk county," was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed,

A bill, to be entitled, "An act, to organize certain offices, subordinate to the General Land Office, was taken up.

On motion of Mr. Rose, the bill was laid upon the table.

A bill, to be entitled, "An act, to authorize Inglis Oliver, to reside permanently in Red River county," was taken up, together with the report thereon, made by the committee on State Affairs.

Report read, and the amendments, recommended therein, adopted.

Mr. Rose moved that the bill be referred to the committee on the Judiciary.

Motion lost.

Mr. Gilliam moved to amend the bill, by striking out the words, "sue and be sued."

Amendment adopted; and

On further motion, the bill was ordered to be engrossed.

A bill to be entitled, "An act, requiring the counties of La Vaca, De Witt and Guadalupe, to pay a portion of the debts of the counties from which they were taken," was taken up; and

Read a second time.

Mr. Swift moved that the bill be referred to the committee on the Judiciary.

Motion lost.

On motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, to prevent slaves from carrying fire-arms," was taken up; and

Read a second time.

On motion of Mr. Perkins, the bill was referred to the committee on State Affairs.

A "Joint resolution, granting the Hon. John Hemphill leave

of absence from the State," was taken up, and

Read a second time.

Mr. Gray offered the following, as an amendment to the resolution:

"Provided, however, that he shall first give his aid in digesting the laws, as provided in the law on the subject."

Amendment rejected.

Mr. Miller offered the following, as an amendment to the resolution:

"Provided, he shall first hold a term of the Supreme Court."

Amendment rejected; and

On motion, the Joint resolution was ordered to be engrossed.

A bill, to be entitled, "An act, to require the county Surveyor, of Liberty county, to furnish the County Surveyor of Tyler county, with a complete map of the surveyed lands of said county, was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, providing for the collection of costs, in the District Courts, was taken up; and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill to be entitled, "An act, requiring juries in certain criminal cases, to assess the fine to be imposed, or punishment to be inflicted," was taken up; and

Read a second time.

On motion of Mr. Gillett, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, regulating petitions to the Legislature," was taken up; and

Read a second time.

On motion of Mr. Willie, the bill was laid upon the table.

A bill, to be entitled, "An act, requiring the counties of Polk and Tyler, to pay a portion of the debt of Liberty county," was taken up; and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, regulating the office of County Treasurer; was taken up; and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, requiring the county of

Grimes, to pay a portion of the debt of Montgomery county, was taken up; and

Read a second time.

On motion of Mr. Dickson, the bill was ordered to be engrossed.

A bill, to be entitled, "An act concerning fraudulent Land Certificates," was taken up; and

Read a second time.

On motion of Mr. Cazneau, the bill was referred to the committee on Public Lands.

A bill, to be entitled, "An act, requiring the Courts of the county of Tyler, to be holden at Town Bluff, in said county," was taken up; and

Read a second time.

On motion of Mr. Charlton, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, regulating Elections," was taken up; and

Read a second time.

Mr. White proposed to amend the bill, by striking out the words, "not more than one."

Amendment adopted.

On motion, the bill was then ordered to be engrossed.

Mr. Cazneau moved that the vote of the House, referring a bill to be entitled, "An act, concerning fraudulent Land Certificates," to the committee on Public Lands, be reconsidered.

Motion carried.

On further motion of Mr. Cazneau, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, creating the office of Public Weighers," was taken up, together with the report of the select committee, thereon.

Report read, and the amendments therein proposed, adopted.

Mr. Durham moved that the bill be laid upon the table.

Motion lost.

Mr. Rose offered the following, as an amendment to the bill:

"Strike out the words, 'it shall be the duty,' and insert, in lieu thereof, the words, 'may in their discretion.'"

Amendment adopted.

Mr. Durham moved that the bill be laid upon the table, until the first of June.

Motion lost.

Mr. Rose moved to amend the bill, by striking out that part of the third section, giving the weighers a *discretion* in weighing wet cotton.

Amendment adopted.

Mr. Durham moved that the caption of the bill be stricken out.

Motion lost.

Mr. Perkins moved, that the bill be indefinitely postponed.

Mr. Edwards of San Augustine, moved that a call of the House be made.

Motion carried.

Mr. Barry moved, that a further call of the House be suspended.

Motion carried.

The yeas and nays were then called, on the indefinite postponement of the bill, and stood as follows:

Yeas.—Messrs. Branch, Brown, Durham, Eddy, Hudson, Irion, Miller, Muckleroy, Mullens, Pattillo, Perkins, Rayner, Redgate, Smith of Harris, and White—15.

Nays.—Messrs. Speaker, Adams, Barry, Bourland, Burroughs, Cazneau, Charlton, Clark, Cooke, Dickson, Echols, Edwards of San Augustine, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Howard, Jones, Keenan, Mabry, McCown, McFarland, McNeill, Milican, Ogden, Pease, Perry, Rose, Ryburn, Savage, Stewart, Smith of Rusk, Swift, Truitt and Willie—39.

So the House refused to indefinitely postpone the bill.

Mr. Rose offered the following, as an amendment to the bill:

"Be it further enacted, That no person shall be bound to have any cotton, or other produce, weighed, by any such Public Weighers; but may make any such arrangement, in relation thereto, as may be agreed on between parties."

Amendment read and adopted.

The bill was then passed to a third reading.

On motion of Mr. Brown, Messrs. Smith of Rusk, Truitt, Echols, McClarty and Holland, were added to the committee on Internal Improvements.

On motion of Mr. Mabry, the House adjourned, until tomorrow, nine o'clock, A. M.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, WEDNESDAY, }
April 15th, 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Brown, Burroughs, Charlton, Clark, Cooke, Dickson, Durham, Echols, Edwards of Nacogdoches, Eddy, Gillett, Gilliam, Gooch, Holland, Hudson, Irion, Keenan, Mabry, McClarty, McCown, McFarland, McNeill, Miller, Milican, Mullens, Noble, Pattillo, Perkins, Perry, Rayner, Redgate, Russell, Sadler, Savage, Stevenson, Stewart, Smith of Rusk, Swift, Sublett, Truitt, White, Williams and Willie.

A quorum being present, the House proceeded to business.

The Journals of the two preceeding days were read and adopted.

Mr. Stewart, chairman, of the committee on Finance, made two several reports, which were received, and laid upon the table, to come up with the orders of the day.

[The first of these reports was made upon a bill, to be entitled, An act, defining the duties of Assessors, &c. The second, related to a bill, to be entitled, An act, defining the duties of Collectors of direct taxes. Neither of them, however, were transcribed into the Journal; and copies cannot be furnished for publication, as the originals were misplaced.]

Mr. Gray, Chairman of the committee on the Judiciary, made the following report:

{ COMMITTEE ROOM, }
April 14th 1846. }

To the Honorable Speaker

of the House of Representatives :

The committee on the Judiciary, in pursuance of the Resolution (of the House) instructing them to enquire into the expediency of a law, to establish limited partnerships—with leave to report thereon, by bill or otherwise—beg leave to submit the following report :

They consider the enactment of such a law, to be a measure of great importance. Under such a law, much good will result to the community, by the investment of capital, in various kinds of enterprises ; and will also relieve the Legislature from a vast amount of labor and legislation, in the consideration and enactment of laws creating private Corporations.

They report the enclosed bill, to be entitled, An act, for the regulation of limited partnerships; the provisions of which, founded on the civil law, have been found to work well in other States.

[Signed]

P. W. GRAY,
Chairman.

Which report was read and received; and

A bill, to be entitled, An act, to regulate limited partnerships, was

Read a first time.

Mr. Gray, chairman of the committee, also made the following report:

COMMITTEE ROOM, }
April 14th 1846. }

To the Honorable Speaker

of the House of Representatives:

The committee on the Judiciary, to whom was referred a bill, to be entitled, An act, to make provision for public Education, have considered the same; and instruct me to report, that, on examination of the laws, passed by the Congress of the Republic, for the support of a system of Education, they find that appropriations were made, to each of the counties, existing under the Republic, of *four leagues of land*. Those laws direct, that the County Court of each county, shall have the lands located and the titles perfected; and that they shall, also, manage the same for the support of the schools, in their respective counties. The committee believe, that, under these laws, the right to four leagues of land is vested in the County Court of each of the old counties, as trustees, for the benefit of the people; and, consequently, that the Legislature cannot transfer the right to other trustees, without the consent of the beneficiaries—the people of each county.

The committee are informed, that not more than eight or ten of the counties, have had the title to their portion of land perfected. Beyond this point, none have gone. Not a Public School has been established, or attempted to be established, out of the means to be furnished from these lands. The system, therefore, is practically deficient; and, in the opinion of the committee, will never be productive of good, as long as the lands are left under the control of each County Court. Moreover, difficulties will, probably, hereafter arise, between the old and new counties—as to their rights to the lands, or in making divisions of it. If it be possible, then, under the law, to have

the whole thrown into a *general fund*, under the control of a *General Board of School Commissioners*, it ought to be done.— This can only be accomplished, by submitting the matter to the people of each county, for their assent or refusal, at an election.

As to the fifty leagues of land, heretofore appropriated for Colleges, *that appropriation is now under the control of the Legislature*; and ought to be vested in a Board, whose duty it shall be, to see to the management of it, for the benefit and support of Free Public Schools.

The committee, in pursuance of these views, propose the following amendments to the bill: 1st. Insert the following, as a substitute for the first section of the bill:

“That the fifty leagues of land, heretofore appropriated by the Congress of the Republic, for the establishment of Colleges or Universities, and such lands as may be, hereafter, donated, or granted, by the State or individuals, for the purposes of public Education, and the titles to such lands, shall be, and are, hereby, vested in the Governor, Secretary of State and Commissioner of the General Land Office, and their successors in office, as *Trustees*—with the name of the *School Commissioners of Texas*—for the benefit and support of Free Public Schools, throughout the State: subject, however, in their action, to the control of the Legislature.”

2d. In the 2d and 3d lines of the 2d Section; strike out the words, “all appropriations of lands, made by the Republic of Texas,” and insert, in lieu thereof, the words, “the lands specified in the first section, and such other lands, or right to lands, which may be acquired under the provisions of this act.”

3d. Insert, as the 5th section of the bill, the following:

“SECTION 5TH. That it is, hereby, recommended, to the people of the several counties in the State, that they surrender, to the *School Commissioners of Texas*, the right to the four leagues of land, heretofore appropriated, by the Congress of the Republic, to the several counties—in order that the same may be administered under the authority of the Legislature, for their benefit—with the guaranty, that the proceeds, of the leases of such lands, shall be appropriated, by the School Commissioners, for the support of Free Public Schools, in the county by which the surrender may be made.”

4th. Insert the following, as the 6th section of the bill:

“SECTION 6TH. That it shall be the duty of the Chief Justice of each county, to order an election in his county, on the second Monday of July, at which the people, of each county, shall

vote, by ballot, on the proposition set forth in the preceding section, for their acceptance or rejection: at which election, each elector, who is in favor of the proposition, shall write on his ballot—*surrender*; and those opposed—*no surrender*; and, in other respects, the election shall be conducted according to the laws regulating elections. And, if, upon the returns being made, it shall appear that a majority are in favor of a surrender, the chief Justice and any two Commissioners of the county, shall execute a transfer, of the title of the School Lands of their county, to the School Commissioners of Texas, appointed by this act."

5th. Change the number of "Section 5th," to "Section 7th."

With which amendments, the committee recommend the passage of the bill.

[Signed]

P. W. GRAY,
Chairman.

Which report, bill and amendments, were received, and laid upon the table, to come up with the orders of the day.

Mr. Clark, Chairman of the committee on State Affairs, made a report, relative to a "Joint Resolution, instructing our Senators, and requesting our Representatives, in the Congress of the United States, to procure the establishment of certain mail routes;" which report was read and received, and laid upon the table, to come up with the orders of the day.

[The original of this report was, also, misplaced; and, no transcript of it having been made, into the Journal, a copy cannot be furnished for publication.]

Mr. Clark, Chairman of the committee on State Affairs, also made the following report:

COMMITTEE ROOM, }
April 14th, 1846. }

To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:

The committee on State Affairs, have examined a bill, to be entitled, An act, to incorporate the city of Austin, and have made the following amendments thereto, to wit:

Strike out the word "county," in the fourth line of the eighth section, and insert, in lieu thereof, the words, "Corporate limits of said city."

Strike out all, after the word, "Security," in the third line of the seventeenth section, and insert, in lieu thereof, the words, "in such sum as the City Council shall direct—and subject to.

their approval—payable to the Chief Justice of Travis county and his successors in office.”

With which amendments, they herewith return said bill, and recommend its passage.

The undersigned objects to so much of the twentieth section of said act, as precludes persons who are not possessed of real estate—either in their own right, or as tenants—within the corporate limits of said city, from voting.

[Signed]

E. CLARK,
Chairman.

Report, bill and amendments received, and laid upon the table, to come up with the orders of the day.

Mr. Clark, Chairman of the committee on State Affairs, also made the following report :

COMMITTEE ROOM, }
April 14th, 1846. }

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives :

The committee on State Affairs herewith return to the House, a “ Resolution, requiring them to enquire into the expediency and practicability, of the present Legislature establishing a Penitentiary ”—together with a bill, designed to carry out the object of said Resolution.

The bill exhibits the *manner*, in which it is proposed to build said Penitentiary; and, it is believed by a majority of the community, that, with a small appropriation, to commence the building, it can be accomplished, in the way designed. They have said nothing, in the bill, in relation to the government and regulation of said Penitentiary—believing that *that* would, more properly, be provided for in a separate and distinct act—nor do they flatter themselves that the bill is altogether sufficient for the ends aimed at.

All of which, is respectfully submitted.

[Signed]

E. CLARK,
Chairman.

Which report was read and received; and

A bill, to be entitled, An act, to establish a Penitentiary,”

Read a first time.

A message was received from the the Senate, informing the House, of the concurrence of that body, in the amendments of the House, to

A bill, to be entitled, An act, organizing the militia; and

A bill, to be entitled, An act, regulating Pilots.

The House was also informed, that the Senate had passed the following bills:

A bill, to be entitled, An act, to organize Probate Courts;

A bill, to be entitled, An act, to provide for fixing the county seat of Justice, of the county of Grimes; with amendments;

A bill, to be entitled, An act, to establish the county of Nueces;

A bill, to be entitled, An act, to require the county of Wharton, to pay a portion of the debt of the counties of Colorado and Matagorda;

A bill, to be entitled, An act, establishing the seat of Justice of Dallas county;

A bill, to be entitled, An act, authorizing the Governor to offer rewards for fugitives;

A bill, to be entitled, An act, establishing the seat of Justice of Limestone county;

A bill, to be entitled, An act, defining the limits of Nacogdoches county;

A bill, to be entitled, An act, creating the county of Angelina, with amendments;

A bill, to be entitled, An act, to authorize Chief Justices, elected on the first Monday in February last, to continue in office, until their successors are elected, with amendments; and

A bill, to be entitled, An act, to authorize and require the Governor, to cause the Constitution and certain laws of the State, to be translated into the German language; and to promulgate the same.

Mr. Keenan, Chairman of the committee on Education, made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

Your committee, to whom was referred a bill, to be entitled, An act, to incorporate the La Grange Female Institute, have had the same under consideration; and I instruct me to report it back to the House, and to recommend its passage.

[Signed]

C. G. KEENAN,

Chairman,

Which report was read and adopted!

Mr. Irion, Chairman of the committee on County Boundaries, made the following report:

To the Honorable the Speaker

of the House of Representatives:

The committee on County Boundaries, to whom was referred.

a bill, to be entitled, An act, to create the county of Henderson, respectfully submit, that they have had the same under consideration, and beg leave to report a substitute for the original bill, and recommend its passage, in lieu thereof.

All of which is respectfully submitted.

[Signed]

VAN R. IRION,
Chairman,

Which report was read and adopted; and

A bill, to be entitled, An act, creating the county of Henderson, (being the substitute offered by the committee,) was

Read a second time.

Mr. Brown moved, that the rule of the House; requiring bills to be read on three several days, be suspended.

Motion carried; and the bill was read a third time and passed.

Mr. Holland, Chairman of the committee on Public Lands, made the following report:

To the Honorable Speaker

of the House of Representatives:

Sir—Your committee on Public Lands have had consideration of the Senate's bill, to be entitled, 'An act, requiring County Surveyors to record certain field notes.

The committee have examined the law, under which the surveys, desired to be recorded, have been made; and find the law is deficient in providing for the record of the field notes referred to. They, therefore, recommend the passage of the bill, with the following amendment to the caption of the same:

Add, after the words, "field notes," the words, "of surveys made under an act, to open and establish a National Road—approved, February 5th, 1845.

All of which is respectfully submitted.

COMMITTEE ROOM, } (Signed)
————— 1846. }

S. HOLLAND.

Chairman.

On motion of Mr. Bourland, the report was adopted.

Mr. Edwards of Nacogdoches, offered the following, as an amendment to the bill:

Also provided, That no survey be received and recorded, that may be presumed to be on a previous survey or land title.

Amendment adopted, and, the bill passed to a third reading.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined An act, to

secure to the State of Texas the Custom Revenue, due the late Republic of Texas, and find the same correctly enrolled; and, having been signed by the Speaker of the House of Representatives and the President *pro tem.*, of the Senate, said bill was this day, presented to his Excellency, the Governor, for his approval.

[Signed]

J. M. BURROUGHS,
Chairman.

Report read and accepted.

Mr. Jones introduced a "Joint resolution, for the relief of Geo. W. Dallam."

Joint Resolution read a first time.

Mr. Miller introduced a bill, to be entitled, "An act, authorizing the Commissioner of the General Land office to have a correct map made, of Houston County."

Bill read a first time.

On motion of Mr. Branch, the House proceeded to the

ORDERS OF THE DAY.

A "Resolution, prohibiting any new business from being introduced, after the eighteenth inst., except in certain cases;" was taken up,

Read a second time and rejected.

Mr. Gray moved, that the vote of the House, just taken, be reconsidered.

Motion lost.

A bill, to be entitled, "An act, to authorize the settlement of disputes, by arbitration or conciliation," was taken up,

Read a third time and passed.

A bill, to be entitled, "An act, to provide for the transfer of Judicial proceedings," was taken up, and from old to new counties.

Read a second time.

On motion of Mr. Brown, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act to authorize the Governor to demand and receive, from the United States, any money due the State of Texas;" was taken up, and

Read a second time.

Mr. Miller moved, that the bill be referred to the committee on the Judiciary.

Motion lost.

The bill was then passed to a third reading.

A bill, to be entitled, "An act, to secure to volunteers, in the Naval service, their right to Bounty Land," was taken up and Read a second time.

On motion of Mr. White, the bill was referred to the committee on Public Lands.

A bill, to be entitled, "An act, to authorize Plaintiffs or Defendants, or their attorneys, to file briefs in the Supreme Court; which shall be taken as an appearance," was taken up, and Read a second time.

On motion of Mr. Branch, the bill was passed to a third reading.

A bill, to be entitled, "An act, to vest in the State escheated property;" was taken up, and

Read a second time.

On motion of Mr. Branch, the bill was referred to the committee on the Judiciary.

A "Joint Resolution, granting, petitioners to the Legislature, permission to withdraw their vouchers," was taken up, and Read a second time.

On motion, the Joint Resolution was passed to a third reading.

A bill, to be entitled, "An act, to provide for raising a Jury Fund," was taken up, together with the amendments thereto, proposed by the committee on the Judiciary.

The amendments were read, and the first, second, and third, of them were adopted.

Mr. Bourland moved, that the vote of the House, just taken, on the adoption of the third amendment proposed by the committee, be reconsidered.

Motion lost.

Mr. Clark moved, to strike out the word "one," before the word "dollar," in the fourth amendment, and insert "two," in lieu thereof.

Motion lost.

The fourth amendment was then adopted.

Mr. Mabry moved, to amend, by inserting the words "fifty cents," after the words "one dollar."

Mr. Rose moved, to insert the words "twenty-five cents," after the words "one dollar."

Mr. Rayner moved, to insert "twelve and a half cents," after the words, "one dollar."

Mr. Echols moved, to insert "six and a quarter cents," after the words, "one dollar."

Mr. Shblett moved to insert the following:

"And that the jury shall have one half of the benefit, of every verdict, by them rendered, in civil cases."

The question then recurred, on the adoption of the amendment proposed by Mr. Mabry; and the

Amendment was adopted.

Mr. Burroughs moved, to amend, by inserting after the word "State," the words, "also, where a resident widow is plaintiff, or when an orphan sues by his next friend."

Amendment rejected.

Mr. Clark moved, to insert the words, "and the tax levied on practising Attorneys and Physicians."

Mr. Bourland moved, to strike out of the amendment, proposed by Mr. Clark, all after the word "attorneys."

Motion lost.

The question then recurred, on the adoption of Mr. Clark's amendment, and the

Amendment was adopted.

The yeas and nays were then called, on the engrossment of the bill, and stood as follows:

Yeas.—Messrs. Speaker, Barry, Bourland, Cooke, Cronican, Dickson, Durham, Edwards of San Augustine, Gillett, Gilliam, Holland, Keenan, Mabry, McNeill, Miller, Muckleroy, Mullens, Noble, Pease, Rayner, Rose, Ryburn, Savage, Stewart, Smith, of Harris, Swift and Willie—27.

Nays.—Messrs. Adams, Brown, Burroughs, Cazneau, Charlton, Clark, Echols, Edwards of Nachogdoches, Eddy, Erath, Gray, Gooch, Howard, Irion, Jones, McClarty, McCown, McCulloch, McFarland, Milican, Ogden, Pattillo, Perkins, Perry, Redgate, Russell, Sadler, Sublett, Truitt, White and Williams.—31.

So the House refused to engross the bill.

On motion of Mr. Gray, the House adjourned, until to-morrow, nine o'clock, A. M.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, THURSDAY, }
April 16th, 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Bourland, Brown, Charlton, Clark, Cook, Cronican, Dickson, Dupree, Echols, Edwards of San Augustine, Gray, Gilliam, Gooch, Holland, Hudson, Irion, Jones, Keenan, Mabry, McClarty, McCown, McCulloch, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Pattillo, Pease, Perkins, Perry, Railey, Rayner, Redgate, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Truitt, White, Williams and Willie.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

On motion, that portion of the Journal of the fourteenth inst., relative to the election of Public Printer, was read and adopted.

Mr. Gray, chairman of the committee on the Judiciary, made the following report:

[This report was not copied into the Journal, and the original being misplaced, a copy cannot be furnished for publication.]

Which report was read and received, and laid upon the table, to come up with the orders of the day,

Mr. Gray, chairman of the committee on the Judiciary, also made the following report:

COMMITTEE ROOM, }
April 15th 1846. }

*To the Honorable Speaker of the
House of Representatives:*

The committee on the Judiciary, have considered a bill, to be entitled, "An act, to authorize the institution of suits against the State;" and instruct me to report the same without amendment, with the recommendation that it be passed.

(Signed)

P. W. GRAY,
Chairman.

Which report was read and received, and together with the bill, laid upon the table, to come up with the orders of the day.

Mr. Clark, chairman of the committee on State Affairs, made the following report:

COMMITTEE ROOM, }
April 15th, 1846. }

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The committee on State Affairs, to whom was referred a bill, to be entitled, "An act, to provide for the appointment of

Patrols, and to prescribe their duties and powers," have instructed me to report the same back to the House, with the following amendments thereto:

"1st. Insert in the last line of the first section of the bill, the words, "whose term of service shall be three months, from the time of their appointment."

"2nd. Strike out the 13th section of the bill."

With which amendments, the committee recommend the passage of the bill.

[Signed]

E. CLARK,
Chairman.

Report read and received, and together with the bill, laid upon the table, to come up with the orders of the day.

Mr. Clark, chairman of the committee on State Affairs, also made the following report:

COMMITTEE ROOM, }
April 15th 1846. }

To the Honorable Wm. E. Crump
Speaker of the House of Representatives:

The committee on State Affairs, to whom was referred a bill, to be entitled, "An act, to regulate Patrols, throughout the State," have considered the same, and instruct me to report the bill back to the House, and to recommend that it be laid upon the table.

[Signed]

E. CLARK,
Chairman.

Report read and adopted, and the bill laid upon the table.

Mr. Russell, chairman of the committee on Engrossed Bills, made the following report:

To the Honorable Speaker
of the House of Representatives:

The committee on Engrossed Bills, have examined the following bills, and find the same correctly engrossed:

A bill, to be entitled, "An act, requiring Juries, in certain criminal cases, to assess the fine to be imposed, or punishment to be inflicted;"

A bill, to be entitled, "An act, to define the boundary line of Rusk county.

A bill, to be entitled, "An act, to require the counties of La Vaca, De Witt and Guadalupe, to pay a portion of the debts of the counties, of which they were composed;"

A bill, to be entitled, "An act, regulating the office of county Treasurer;"

A bill, to be entitled, "An act, requiring the county Surveyor of Liberty county, to furnish the county Surveyor of Tyler county, with a map of the surveyed lands in said county;"

A bill, to be entitled, "An act, creating the county of Henderson;"

A bill, to be entitled, "An act, organizing County Courts."

[Signed]

A. J. RUSSELL,
Chairman.

Which report was read and accepted.

Mr. McNeill introduced a bill, to be entitled, "An act, to establish the fees of office."

Bill read a first time.

Mr. McNeill moved, that the rule of the House, requiring bills to be read on three several days, be suspended.

Motion carried.

The bill was then read a second time, and,

On further motion, referred to a special committee.

The Speaker appointed Messrs. McNeill, Bourland, Eddy, Williams, Rose and Willie, to compose said committee.

Mr. Cronican introduced a bill, to be entitled, "An act, to amend the seventeenth section of an act, to repeal, in part, and amend an act, entitled, an act, for the incorporation of the city of Galveston—approved, February 5th, 1840—and to otherwise amend said act."

Bill read a first time.

Mr. Eddy introduced a bill, to be entitled, "An act, requiring the county of Newton, to pay a portion of the debt of Jasper county."

Bill read a first time.

Mr. Gray moved, that the vote of the House, taken on yesterday, on the bill, to be entitled, "An act, regulating fees of Juries," be re-considered.

Motion carried.

On motion of Mr. Gray, the bill was then referred to the special committee, to whom was referred a bill, to be entitled, "An act, establishing the fees of office."

On motion of Mr. Russell, the House proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled, "An act, to incorporate the Society of

Free Masons," was taken up, and
Read a third time.

The yeas and nays were called, on the final passage of the bill, and stood as follows:

Yeas.—Messrs. Adams, Barry, Bourland, Brown, Burroughs, Cazneau, Clark, Cronican, Dickson, Dupree, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gillett, Gilliam, Gooch, Howard, Hudson, Irion, Keenan, Mabry, McClarty, McCown, McFarland, Miller, Milican, Muckleroy, Ogden, Pattillo, Perkins, Perry, Rayner, Redgate, Russell, Ryburn, Savage, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Sublett, Truitt and Williams—44.

Nays.—Messrs. Branch, Charlton, Erath, Gray, McCulloch, McNeill, Mullens, Pease, Rose, Saddler, Swift and White—12.

So the bill was passed by a Constitutional majority.

A message was received from the Senate, informing the House of the passage of the following bills, by that body:

A bill, to be entitled, "An act, to settle conflicting rights, between the counties of Victoria, De Witt, La Vaca, Jackson, Refugio and Calhoun;"

A bill, to be entitled, "An act, to protect Religious Meetings;"

A bill, to be entitled, "An act, requiring the county of Limestone to pay one fourth of the debt of Robertson county;"

A bill, to be entitled, "An act, to define in what manner Judgments shall operate, as a lien on real estate;"

A bill, to be entitled, "An act, for the relief of Nathaniel Amory;"

A bill, to be entitled, "An act, requiring the Governor to notify the Chief Justices of counties, of the appointment of Notaries Public, and to have the same published in a newspaper;"

A bill, to be entitled, "An act, to prevent Justices of the Peace, and Clerks of the District, County and Probate Courts, from issuing executions for costs—only in civil actions;

A bill, to be entitled, "An act, to extend the appropriation for minute men—made February fifth, 1842;"

A bill, to be entitled, "An act, to organize the Supreme Court of the State of Texas;" and

A bill, to be entitled, "An act, to create the county of Navarro,"—with amendments.

A bill, to be entitled, "An act, authorizing the Chief Justices, elected on the second Monday in February last, to continue in office until their successors are elected," was taken up,

with the amendments thereto proposed by the Senate. Amendments read, and the House refused to concur therein.

A bill, to be entitled, "An act, to require the Governor to cause the Constitution and certain laws of the State, to be translated into the German language, and to promulgate the same;" was taken up, with the amendments thereto, proposed by the Senate.

Amendments severally read, and concurred in by the House.

A bill, to be entitled, "An act, creating the county of Angelina, was taken up, with the amendments thereto, proposed by the Senate.

Which amendments were read, and concurred in by the House.

On motion of Mr. McFarland, the bill, to be entitled, "An act, providing for the assessment of taxes," was taken up—it having been made the special order for to-day, at ten o'clock,

A. M.

On motion of Mr. Willie, the bill was read by its sections.

Mr. Branch moved, that the House resolve itself into a committee of the Whole, on the bill now under consideration.

Motion lost.

Mr. Miller proposed to amend the bill, by filling the blank with the word "four," before the word "thousand."

Mr. Willie proposed to insert the words, "such sum as the County Court may require," in lieu of the amendment proposed by Mr. Miller.

Amendment rejected.

The sense of the House was then taken, on the adoption of Mr. Miller's amendment, and

The amendment was rejected.

Mr. Branch proposed to amend, by inserting the word "one," before the word "thousand."

Mr. Bourland offered a substitute for the bill now under consideration of the House.

On motion of Mr. Branch, the House resolved itself into a committee of the Whole, on the original bill, and the substitute offered by Mr. Bourland.

MR. BRANCH IN THE CHAIR.

After some time being spent thereon, the committee rose reported progress and asked to be discharged from further consideration of the bill and substitute.

Which report was adopted.

Mr. Clark moved, that the bill and substitute be referred to a select committee.

Mr. Bourland asked leave to withdraw the substitute, just offered by himself, for the bill, to be entitled, "An act, providing for the assessment of taxes."

Which was granted, and the substitute withdrawn.

On motion of Mr. Burroughs, the House adjourned, until three o'clock P. M.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Brown, Charlton, Clark, Cooke, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Gray, Gilliam, Gooch, Irion, Jones, Keenan, Mabry, McClarty, McCulloch, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Pattillo, Pease, Perry, Rayner, Redgate, Rose, Russell, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Truitt, White and Willie.

A quorum being present, the House proceeded to business.

A bill, to be entitled, "An act, defining the duties of Assessors," was taken up.

Mr. Dupree moved, that the bill be referred to a select committee.

Motion lost.

Mr. Miller moved, to fill the first blank in the bill, with the word "three," before the word "thousand."

Amendment rejected.

Mr. Edwards of San Augustine, moved to fill the first blank, with the word "two," before "thousand."

Amendment rejected.

On motion of Mr. Dupree, the first blank was filled with the word "one," before the word "thousand."

Mr. Barry moved, that the second blank in the bill, be filled with the word "two."

Amendment adopted.

Mr. Pease offered to amend the bill, by inserting in the tenth line of the first section, the words, "in the sum of five hundred dollars, with two or more good securities," to be inserted after the word "County."

Amendment adopted.

Mr. Swift offered the following, as a substitute for the first section of the bill:

"The Assessors of taxes shall, within thirty days after the election, and before entering on their official duties, give bond, to the Governor of the State and his successors in office, for the use of the State, in such sum as the County Court may require, with two or more good and sufficient securities, to be approved by the County Court; which bond shall not be void on the first recovery of the full amount thereof, but shall extend to the faithful discharge of their official duties. They shall, also, give a like bond, to the Chief Justice of their respective counties and their successors in office, for the use of the county, with the same conditions as the Assessors of the County tax; and take the oath, prescribed by law, before said Court, as Assessors of the State and County tax, of their respective counties. The bond given for the use of the State, shall be recorded in the county, and forwarded to, and deposited in the office of the Comptroller of public accounts; and the bond given to the county, shall be deposited in the office of the County Court, after it shall have been recorded."

Mr. Miller offered to amend the amendment, by striking out the words, "of the full amount thereof;" and inserting the words, "the first," before the word "recovery."

Amendment adopted.

Question—Shall the amendment, proposed by Mr. Swift, as amended by Mr. Miller, be adopted?

Which question was decided in the affirmative.

Mr. Swift moved to amend the bill, by striking out of the second section, the word "May," and inserting, in lieu thereof, the word "June."

Which amendment was adopted.

Mr. Miller moved to amend the bill as follows:

"Strike out of the fourth section, the words, "may own or claim, at the time of giving in the same," and insert in lieu thereof, the words "may have owned or claimed, on the first day of January, preceding."

Mr. Echols moved, to amend the amendment, by striking out "January," and inserting "February," in lieu thereof.

Amendment rejected.

Question—Shall the amendment proposed by Mr. Miller be adopted?

The yeas and nays were called thereon, and stood as follows:

Yeas.—Messrs. Speaker, Barry, Bourland, Cazneau, Charl-

ton, Clark, Dupree, Edwards of Nacogdoches, Eddy, Gray Gilliam, Gooch, Holland, Howard, Hudson, Keenan, Mabry McCown, McNeill, Miller, Mullens, Noble, Pease, Perkins, Railey, Rayner, Redgate, Rose, Russell, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Truitt and Willie—36.

Nays.—Messrs. Adams, Brown, Burroughs, Dickson, Echols, Edwards of San Augustine, Irion, Jones, McFarland, Milican, Pattillo, Sublett and White—13.

So the question was decided in the affirmative.

Mr. Barry moved, to amend the bill by striking out the word "description," in the fourth section.

Which amendment was rejected.

Mr. Miller offered the following, as an amendment to the bill:

Insert in the fourth section, the words "which I owned [on the first day of January last."

Which amendment was adopted.

Mr. Irion moved, to amend the bill, by striking out the words "my county," and inserting, in lieu thereof, "the State."

Mr. Burroughs moved, to strike out the word "my," and insert the word "this," in its stead.

Amendment rejected.

Mr. White moved, that a call of the House be made.

Motion carried.

Mr. Eddy moved, that a further call of the House be suspended.

Motion lost.

There not being a quorum present, the Door Keeper was dispatched for absent members.

Mr. Dupree moved, that Mr. Cooke be excused from answering to the call of his name.

Motion lost.

On motion of Mr. Brown, a further call of the House was suspended.

Mr. Dupree moved, that a further call of the House be made.

Motion lost.

Mr. Brown moved, that the bill be laid upon the table, until to-morrow, ten o'clock A. M.

Motion lost.

The question then recurred, on the adoption of the amendment proposed by Mr. Irion.

The yeas and nays being called, on the adoption of the amendment, stood as follows:

Yeas. Messrs. Speaker, Branch, Burroughs, Dupree, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gooch, Irion, Jones, McClarty, McCown, Milican, Muckleroy, Pattillo, Sadler, Savage, Sublett and Truitt—20.

Nays. Messrs. Adams, Barry, Bourland, Brown, Cazneau, Charlton, Clark, Cronican, Dickson, Durham, Erath, Gray, Gillett, Gilliam, Holland, Howard, Hudson, Keenan, Mabry, McFarland, McNeill, Miller, Mullens, Noble, Pease, Perkins, Perry, Railey, Rayner, Redgate, Rose, Russell, Ryburn, Stewart, Smith of Harris, Smith of Rusk, Swift, White, Williams and Willie—40.

So the amendment was rejected.

Mr. Echols moved, to amend the bill by striking out the latter part of the *oath*.

Amendment rejected.

On motion, the fourth section of the bill was then adopted.

Mr. Dupree moved, to amend by striking out the words "well bound," in the sixth section.

Amendment rejected.

Mr. Dupree offered the following, as an additional section:

The Assessor shall have the right of appointing a Deputy; for whose acts he shall be responsible; and said Deputy shall have the same power as the Assessor himself.

Which amendment was rejected.

Mr. Stewart moved, to insert the words "at the rates due under the laws in force at the time such taxes accrued."

Which amendment was rejected.

Mr. Burroughs moved, that the seventh section of the bill be stricken out.

Which motion was carried.

Mr. Rose offered the following, as a substitute for the seventh section:

Be it further enacted, That if any Assessor of taxes, shall have omitted or neglected to assess any person, or property, liable to taxation, in the county, during his term of office, it shall be the duty of his successor in office to assess the same for such time of omission, and make return thereof on his assessment roll, in the same manner and under the rules governing other cases.

Which amendment was adopted.

Mr. Rose moved, to strike out all, after "assessment," and insert the words "shall exhibit assessment roll."

Which amendment was rejected.

Mr. Howard moved, to strike out the word "all," and insert

the words "the laws of the present session of the Legislature."

Which amendment was adopted.

The question, on striking out the eighth section of the bill, was then put and carried.

Mr. Howard moved to strike out of the eighth section, the words, "average rates of value," and insert, "than a just value."

Which amendment was adopted.

Mr. McCown moved, to strike out the ninth section of the bill.

Mr. Howard moved to strike out of the ninth section, the words "lower than his neighbors."

Which amendment was adopted.

Mr. Stewart moved, to insert, in the ninth section, the words "but the party whose property is so valued, may have an appeal to the County Court, whose appraisement shall be final."

The question, on striking out the ninth section, was then put.

The yeas and nays being called thereon, stood as follows:

Yeas. Messrs. Speaker, Adams, Barry, Branch, Bourland, Brown, Cazneau, Clark, Cooke, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Irion, McClarty, McCown, Muckleroy, Pattillo, Perry, Rose, Russell, Sadler, Savage, Stewart, Smith of Rusk, Swift, Sublett, Truitt and Willie—37.

Nays. Messrs. Burroughs, Charlton, Cronican, Howard, Jones, Keenan, McFarland, McNeill, Miller, Milican, Noble, Ogden, Pease, Perkins, Rayner, Redgate, Smith of Harris, White and Williams—19

So the motion was carried.

Mr. Pease offered the following, as an additional section:

"Whenever an Assessor shall think that any property has been undervalued, he shall represent the fact to the County Court, and said Court shall proceed to value said property; and such valuation shall be conclusive, and shall be entered on the assessment roll."

The yeas and nays being called, on the adoption of the additional section, stood as follows:

Yeas. Messrs. Barry, Burroughs, Cazneau, Charlton, Gillett, Howard, Keenan, McFarland, McNeill, Miller, Mullens, Noble, Ogden, Pease, Perkins, Redgate, Russell, White and Williams—19.

Nays. Messrs. Speaker, Adams, Branch, Bourland, Brown, Clark, Cooke, Cronican, Dickson, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gooch, Irion, McClarty, McCown, Milican, Muckleroy,

Pattillo, Perry, Rayner, Rose, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Sublett, Truitt and Willie—37.

So the amendment was rejected.

On motion of Mr. Eddy, the House adjourned, until to-morrow morning, nine o'clock.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, FRIDAY, }
April 17th 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Branch, Brown, Charlton, Clark, Cronican, Dickson, Dupree, Echols, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Hudson, Irion, Keenan, McCulloch, McFarland, Miller, Milican, Muckleroy, Mullens, Pattillo, Perkins, Perry, Railey, Rayner, Redgate, Rose, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Swift, Sublett, Truitt, White, Williams and Willie.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Russell presented the petition of J. D. Lilly; which was referred to the committee on claims and accounts, without being read.

Mr. Rose presented the petitions of three sundry persons, praying the passage of a law establishing the Texas Monumental Society—which were referred to the committee on State Affairs, without reading.

Mr. Gray, chairman of the committee on the Judiciary, made the following report:

COMMITTEE ROOM, }
April 15th, 1846. }

*To the Honorable Speaker
of the House of Representatives:*

The committee on the Judiciary have considered a bill, to be entitled, "An act, for the relief of the citizens of the town

of Springfield, in Limestone county," and have given to it that mature deliberation which its importance demands.

The committee are of opinion, that the provisions of the bill are clearly unconstitutional; nor can they devise any means to effect the object, in a legitimate mode.

The Constitution declares, that the courts shall be open, for the redress of all grievances to property and rights. It also separates the Judicial and Legislative Departments, by bounds clear and distinct.

The payees of the bond, named in the preamble of the bill have recourse by due course of law; and the committee cannot recommend the Legislature to take on itself Judicial powers.

Therefore, they recommend the indefinite postponement of the bill.

[Signed]

P. W. GRAY,
Chairman.

Report read and adopted.

Mr. Willie, one of the committee on Engrossed Bills, made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The Engrossing committee have examined, and find correctly engrossed,

A bill, to be entitled, "An act, requiring the county of Grimes to pay a portion of the debt of Montgomery county,"—also

A bill, to be entitled, "An act, to require the counties of Polk and Tyler, to pay a portion of the debt of Liberty county.

[Signed]

J. WILLIE,
One of the Committee.

Which report was read and accepted.

Mr. Stewart, chairman of the committee on Finance, made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives :

Your committee on Finance have had under consideration the Senate's bill, entitled an act, for the relief of any person who may have purchased town, city or other lots, from the Republic of Texas—and, having gravely considered the same, instruct me to report by substitute, a bill extending the provisions of the bill to the purchasers of Lots in the City of Austin,

and upon the Town Tract adjoining; and respectfully recommend its passage.

[Signed]

C. B. STEWART,
Chairman.

Which report was read and adopted.

Mr. Cazneau presented the petition of Samuel Craig—praying for land; which was referred to the committee on Public Lands, without being read.

Mr. Russell introduced a bill, to be entitled An act, for the better protection of females.

Which bill was read a first time?

Mr. Gooch introduced a bill, to be entitled An act, requiring the County Treasurer of Paschal county, to pay over all monies remaining in his hands, on the abolishment of his office, as County Treasurer of said county.

Which bill was read a first time.

Mr. Rose introduced a bill, to be entitled an act, to establish the Texas Monumental Historical Association.

Which bill was read a first time.

Mr. Pattillo moved, the rejection of the bill.

Which motion was lost.

Mr. Branch moved, that the rule of the House, requiring bills to be read on three several days, be suspended.

Which motion was carried, and the bill read a second time.

Mr. Branch moved to amend the bill, by inserting "Lepantitlan."

Mr. Rose moved, that the bill be referred to the committee on State Affairs.

Mr. Gray moved, to amend Mr. Branch's amendment, by adding after "Lepantitlan," the words "also, the battle of Columbus, fought in March, eighteen hundred and forty-two, in the county of Colorado."

Which amendment was rejected.

The question recurring, on the adoption of the amendment, proposed by Mr. Branch.

The amendment was rejected.

Mr. Dickson moved, that the bill be laid upon the table.

Which motion was lost.

The question, on Mr. Rose's motion to refer the bill to the committee on State Affairs, was then put, and

The motion carried.

Mr. Howard introduced a bill, to be entitled An act, to authorize the State to be sued for all pecuniary claims.

Which bill was read a first time.

On motion of Mr. Mabry, the House proceeded to the

ORDERS OF THE DAY.

A bill to be entitled An act, defining the duties of Assessors of direct taxes; was taken up and

On motion, read section by sections, ending at the tenth.

Mr. Willie moved to amend by striking out the words "or shall make a false return."

Which amendment was adopted.

Mr. Willie then moved, to strike out the latter part of the tenth section, relating to the penalty.

Mr. Miller moved, to strike out the word "penalty," and insert after the word "shall," the words "pay double taxes."

Mr. Rayner called for the previous question.

Which motion was lost.

The question then recurred on the adoption of Mr. Miller's amendment, and

The amendment was adopted.

Mr. Clark moved, to amend Mr. Miller's amendment, by inserting—"Provided, Such person or persons, shall have the privilege of shewing why he or they did not give in their property, before such penalty shall be enforced."

Which amendment was rejected.

The question then recurred on inserting the words "shall be double taxed."

The yeas and nays being called thereon, stood as follows:

Yeas. Messrs. Speaker, Adams, Barry, Branch, Burroughs, Charlton, Cronican, Dupree, Edwards of San Augustine, Gillott, Gooch, Howard, Hudson, Mabry, McCulloch, McFarland, McNeill, Miller, Muckleroy, Noble, Pease, Perry, Rayner, Russell, Stevenson, Stewart, Smith of Harris, Swift, Sublett, Truitt and Williams—31.

Nays. Messrs. Bourland, Brown, Cazneau, Clark, Cooke, Dickson, Durham, Echols, Edwards of Nacogdoches, Eddy, Frath, Gray, Gilliam, Irion, Jones, Keenan, McClarty, Milican, Pattillo, Perkins, Redgate, Rose, Ryburn, Savage, Smith of Rusk, White and Willie—27.

So the motion, to insert, was carried.

The question was put, on the adoption of Mr. Willie's amendment—proposing to strike out all, after the word "such," in the tenth section.

Which amendment was rejected.

Mr. Sublett moved to insert, after the word "Assessor," the words "of his own county."

Which amendment was adopted.

The question then recurred on striking out the tenth section of the bill.

The yeas and nays being called thereon, stood as follows:

Yeas. Messrs. Branch, Bourland, Brown, Cazneau, Clark, Dickson, Durham, Echols, Edwards of Nacogdoches, Gray, Gooch, Irion, Jones, McClarty, Milican, Muckleroy, Pattillo, Redgate, Rose, Savage, Smith of Rusk, Swift, Sublett, White and Willie—25.

Nays. Messrs. Speaker, Barry, Burroughs, Charlton, Cronican, Dupree, Gillett, Gilliam, Keenan, Mabry, McCulloch, McFarland, McNeill, Miller, Mullens, Noble, Ogden, Pease, Perkins, Perry, Rayner, Russell, Ryburn, Stewart, Smith of Harris, Truitt and Williams—27.

So the motion to strike out was lost.

A message was received, from the Senate, informing the House of the passage of the following bills, by that body:

A bill to be entitled An act, to repeal the fourth section of an act, approved June seventh, eighteen hundred and thirty-seven—authorizing the consolidation and funding of the Public Debt, and prescribing the manner in which stock certificates, of the said fund, shall be transferred.

A bill to be entitled An act, for the punishment of persons, who shall write, print, publish or distribute anything, having a tendency to produce discontent among the free colored population of this State; or insubordination among the slaves;

Also,

A Joint Resolution, instructing our Senators and requesting our Representatives, in the Congress of the United States, to procure the passage of a law, for the relief of mail contractors;

Also,

A bill to be entitled An act, creating the county of Newton;

Also,

A bill to be entitled An act, to declare what officers shall give certificates of elections, in Senatorial elections, in Districts composed of more than one county—with amendments.

The House was also informed, that the Senate had indefinitely postponed a bill, to be entitled An act, incorporating the Angelina Navigation Company; and that they had concurred in the amendments, of the House, to a bill to be entitled An

act, to authorize the settlement of disputes, by conciliation or arbitration.

Mr. Dupree moved, to amend the tenth section of the bill, by inserting the words "such individual, thus assessed, shall have the right of appeal, to the County Court, and, if able to shew that he did not refuse, but was prevented by unavoidable circumstances, shall be exempt from the penalty"—to come in at the end of the section.

Which amendment was rejected.

Mr. Rose offered the following, as an additional section to the bill:

SECTION —. *Be it further enacted.* That if any resident, or non-resident person, shall neglect or refuse to render a list, or lists, of his taxable property, according to the provisions of this act, to the Assessor of the county, or counties, where the same is situated, such list shall be made out, at the discretion of the Assessor of the proper county; and, for that purpose, it shall be the duty of the Assessors, of the several counties of this State, to ascertain, from the records of their respective counties, all taxable property belonging to such residents or non-residents; and to assess the same, in the name of the person who appears, from such records, to be the owner thereof—assessing the same at cash valuation, and no more. The agents Attorneys or representatives of non-resident owners of any taxable property in this State, may, render the statement and valuation thereof, to the Assessor of the proper county, in the same manner as is required of the representatives of residents.

Mr. Gillett moved, that the previous question be taken.

Which motion was carried.

Mr. Mabry moved, that the vote just taken, on Mr. Gillett's motion, be reconsidered.

Which motion was carried.

The question then recurred on the adoption of Mr. Rose's amendment;

Which amendment was rejected.

Mr. Edwards of San Augustine, moved to amend as follows:

"But should the party, so double-taxed, consider himself aggrieved, he shall have the right of appeal to the County Court."

Which amendment was rejected.

Mr. Gray offered the following, as a substitute for the tenth section of the bill:

"That if any person, when called on by the Assessor of his own county, shall fail or refuse to give in his property, which

is liable for taxation in that county, such person shall be liable to a fine, of not less than *ten*, nor more than *five hundred* dollars—for the use of the State—to be recovered before any Justice of the Peace, or other Court having jurisdiction: on information lodged by the Assessor and proof thereof, before such Justice, or Court. And it shall be the duty of the Assessor, to lodge such information in all such cases.

Which amendment was adopted.

Mr. Gooch proposed to amend the amendment by inserting the words "to be applied to a jury fund;"

Which amendment was rejected.

Mr. Edwards of San Augustine, moved that a call of the House be made.

Which motion was carried.

Mr. Cazneau moved, that the call of the House be suspended.

Which motion was carried.

On motion of Mr. White, the House then adjourned, until three o'clock, P. M.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Branch, Bourland, Brown, Burroughs, Cazneau, Charlton, Clark, Cronican, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Erath, Gray, Gillett, Gilliam, Howard, Hudson, Irion, Jones, Mabry, McCulloch, McFarland, McNeill, Miller, Muckleroy, Mullens, Noble, Pattillo, Perkins, Perry, Rayner, Redgate, Rose, Russell, Sadler, Savage, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Truitt, White and Willie.

A quorum being present, the House proceeded to business.

The bill defining the duty of Assessors being under consideration.

The twelfth section was read and adopted.

Mr. McFarland offered to amend the thirteenth section, as follows:

"That, in all cases in which the Comptroller has advertised the lands of delinquents, the cost of such advertising shall be certified back to the Collector of Taxes, of the proper county, and collected in the costs of such delinquent."

Mr. Stewart offered the following, as a substitute for the amendment just offered:

Provided, The party, where land may be advertised, shall pay fifty cents in addition for advertisement.

Mr. Rose moved to amend the substitute, by adding "or the cost of advertising."

Which amendment was rejected.

Mr. McFarland, by leave of the House, withdrew his amendment.

On motion of Mr. Bourland, the thirteenth section of the bill was stricken out.

On motion of Mr. Dupree, Mr. Hudson was granted leave of absence, for ten days.

On motion of Mr. Stewart, the fourteenth section of the bill was stricken out.

The fifteenth section of the bill was then read.

Mr. Pease offered to fill the blanks as follows:

First—Blank, 5 per cent.

Second. " 4 " "

Third. " 2 " "

Fourth. " $1\frac{1}{2}$ " "

Fifth. " 1 " "

Mr. Stewart offered to fill the first blank with ten per cent.

Which amendment was rejected.

The question, on the adoption of the thirteenth section of the bill, as amended, was then put and carried.

Mr. Stewart moved a reconsideration of the vote just taken, on filling the first blank with five per cent.

Which motion was carried.

Mr. Sadler moved, to strike out the word, "thousands," and fill the blank with "five per cent."

Which motion was lost.

On motion of Mr. Bourland, the words "five per cent.," were stricken out of the first blank.

Mr. Pease offered the following, as a substitute for the amendment filling the blanks:

After the word "State," insert "eight per cent. upon all sums of one thousand dollars and under; five per cent. on all sums over one thousand and under two; four per cent. on all sums over two and under three thousand; three per cent. on all sums over three and under four thousand; two per cent. on all sums over four and under five thousand; and one per cent. on all sums over five thousand dollars."

Which substitute was read and adopted.

On motion of Mr. Swift the fifteenth section of the bill was then adopted.

The sixteenth section was then read.

Mr. Willie offered to amend the sixteenth section, by striking out of the fourth line the words, "Collector and."

The yeas and nays were called, on the adoption of Mr. Willie's amendment, and stood as follows:

Yeas. Messrs. Speaker, Barry, Branch, Bourland, Brown, Cazneau, Charlton, Clark, Cronican, Dickson, Dupree, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Gray, Gooch, Howard, Irion, Jones, Keenan, Mabry, McClarty, McCulloch, Muckleroy, Noble, Ogden, Pattillo, Pease, Perkins, Rayner, Redgate, Rose, Russell, Ryburn, Savage, Stewart, Smith of Rusk, Truitt and Willie—40.

Nays. Messrs. Burroughs, Durham, Gilliam, McFarland McNeill, Miller, Milican, Mullins, Perry, Sadler and Swift—15.

So the amendment was adopted.

Mr. Bourland offered to amend the sixteenth section of the bill, as follows:

In the twelfth line, after the word "fault," insert the words, "unless sufficient cause be shown, for such failure."

Which amendment was adopted.

Mr. Swift moved, that the sixteenth section of the bill be stricken out—as amended.

Mr. Echols offered the following as a substitute for the sixteenth section:

Strike out all, after the enacting clause, and insert as follows: "That all laws, heretofore in existence, on the subject of direct taxation, be, and the same are, hereby *re-enacted and continued in force*, until otherwise altered or repealed."

Mr. Gillett moved, that the bill be laid upon the table, until to-morrow, 9 o'clock, A. M.

Which motion was lost,

The question, on the adoption of Mr. Echols' amendment, was then put, and

The amendment rejected.

Mr. Dupree offered the following, as an amendment: "he shall receive thirty-nine lashes, on the bare back."

Which amendment was rejected.

The question then recurred, on the adoption of Mr. Swift's motion, to strike out the sixteenth section.

The yeas and nays being called thereon, stood as follows:

Yeas. Messrs. Branch, Burroughs, Dupree, Echols, Eddy,

Erath, Igion, Jones, McCulloch, Pattillo, Rose and Swift—12.

Nays. Messrs. Speaker, Adams, Barry, Bourland, Brown, Cazneau Charlton, Clark, Cooke, Cronican, Dickson, Durham, Edwards of Nacogdoches, Gray, Gillett, Gilliam, Gooch, Howard, Keenan, Mabry, McClarty, McFarland, McNeill, Miller Milican, Muckleroy, Mullins, Noble, Ogden, Pease, Perkins, Perry, Rayner, Redgate, Russell, Ryburn, Sadler, Savage, Smith of Harris, Smith of Rusk, and Truitt—43.

So the motion, to strike out, was lost.

On motion of Mr. Gooch, all that part, relative to imprisonment, was stricken out.

The sixteenth section of the bill was then adopted.

The seventeenth section was then read.

Mr. Willie moved, that the seventeenth section be stricken out.

Which motion was lost.

Mr. Bourland moved to amend the seventeenth section, by striking out the words, "Collector and all that relates to the receipt of the Collector."

Which amendment was adopted.

Mr Burroughs moved, to strike out the word "Treasurer," and insert "County Court."

Which amendment was adopted.

Mr. Clark moved, to strike out the latter clause of the seventeenth section, after the word "instruction."

Which motion was adopted.

Mr. Branch moved, to amend the seventeenth section as follows :

"He shall draw a draft, upon the Treasurer of the State, for the amount of fees due such Assessor."

Which amendment was adopted.

The seventeenth section of the bill was then adopted.

The eighteenth section of the bill was read and adopted, without amendment.

Mr. Stewart offered to amend the twelfth section, by striking out the word "Treasurer," and inserting "County Court."

Which amendment was adopted.

On motion of Mr. Willie, the word "Collector," in the same section, was stricken out.

On motion of Mr. Howard, the bill was then recommitted to the committee on Finance, with instructions to report thereon, on Monday next.

On motion of Mr. Willie, the bill, to be entitled, "An act, de-

fining the duties of the Tax Collectors," was also referred to the committee on Finance—with instructions to report a bill, for the assessment and collection of direct taxes.

Mr. Jones, by leave, introduced a bill, to be entitled, An act, supplementary to an act, to provide for the election of Representatives to the Congress of the United States.

Which bill was read a first time.

On motion of Mr. Jones, the rule was suspended, and the bill read a second time.

Mr. Miller moved, that the bill be referred to the committee on State Affairs.

Mr. Clark offered to amend the motion of Mr. Miller, by referring the bill to the committee on Privileges and Elections.

On motion of Mr. McClarty, the bill was referred to a select committee.

The Speaker appointed Messrs. McClarty, Jones, Brown, Clark and Miller, to compose said committee.

Mr. Russell, Chairman of the committee on Engrossed Bills, made the following report :

COMMITTEE ROOM, }
April 13th, 1846. }

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on Engrossed Bills, have examined the following bills and find the same correctly engrossed :

A bill, to be entitled, An act, to provide for the publication of the laws of the State;

A bill, to be entitled, An act, requiring the Courts, for the county of Tyler, to be holden at Town Bluff, in said county;

A bill, to be entitled, An act, to prohibit free negroes from settling within this State;

A bill, to be entitled, An act, creating the office and defining the duties of Public Weighers;

A bill, to be entitled, An act, to authorize Inglis Oliver to reside, permanently, in the State;

A Joint Resolution, granting the Honorable John Hemphill, Chief Justice of the Supreme Court, leave of absence from the State; and

A bill, to be entitled, An act, providing for the transfer of Records of administrations to new counties.

[Signed]

A. J. RUSSELL,
Chairman.

Which report was read and accepted.

Mr. Gillett, by leave, introduced a "Joint Resolution, proposing an amendment to the Constitution of the State—providing for a diminution of the salaries of the Supreme and District Judges."

Which was read a first time.

On motion of Mr. Durham, the House adjourned until tomorrow, nine o'clock, A. M.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, SATURDAY, }
April 18th, 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Bourland, Brown, Cazneau, Charlton, Clark, Cooke, Dickson, Dupree, Echols, Edwards of San Augustine, Eddy, Gray, Gilliam, Gooch, Holland, Irion, Jones, Keenan, Mabry, McClarty, McCown, McFarland, McNeill, Miller, Milican, Muckleroy, Mullens, Noble Pattillo, Perry, Railey, Rayner, Redgate, Rose, Sadler, Savage, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Swift, Truitt, White, Williams and Willie.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Gray, Chairman of the committee on the Judiciary, made the following report:

[This report, it appears from a note on the Journal, was made upon a bill, to be entitled, An act, defining the mode of conveying property, in which the wife has a separate interest; but no full transcript was made of it, into the Journal, and the original being misplaced, a copy cannot be furnished for publication.]

Mr. Williams introduced a "Joint Resolution for the division of the State;"

Which was read a first time.

Mr. Gray, Chairman of the committee on the Judiciary, made the following report:

To the Honorable Speaker

of the House of Representatives:

The committee on the Judiciary, to whom was referred a

bill, to be entitled, An act, to provide for the change of venue, in civil and criminal cases, have considered the same, and, a majority, instruct me to report, that they recommend, that the whole subject be laid upon the table. The majority believe that the laws now in force, on that subject, are sufficient for all the purposes.

[Signed]

P. W. GRAY,
Chairman,

Which report was read and adopted.

Mr. Pease introduced a bill, to be entitled, An act, to establish the mode of trying the right of property, levied on under execution, where the property is claimed by a person not a party to the execution ;

Which was read a first time.

On motion, the rule of the House, requiring bills to be read on three several days, was suspended.

The bill was then read a second time, and referred to the committee on the Judiciary.

Mr. Muckleroy introduced a bill, to be entitled, An act, providing how the new counties, made by the Legislature, out of the territory of Nacogdoches county, shall pay their portion of the debt due by said county of Nacogdoches.

Which was read a first time.

Mr. Cooke introduced a bill, to be entitled, An act, to provide for the emancipation of minors.

Which was read a first time.

Mr. White introduced a bill, to be entitled, An act authorizing surveys, made in one county, to be recorded in the county wherein the lands surveyed prove to lie: *Provided*, there be no conflict.

Which was read a first time.

On motion, the rule of the House, requiring bills to be read on three several days, was suspended.

The bill was then read a second time, and referred to the committee on Public Lands.

Mr. Gray, Chairman of the committee on the Judiciary, made the following report.

*To the Honorable Speaker
of the House of Representatives:*

The committee on the Judiciary have considered a bill, to be entitled, An act, requiring the Sheriff of the county wherein the Supreme Court may be held, to serve and attend upon the Supreme Court ;" and also, a Resolution instructing the

committee to report a bill defining the duties of Sheriffs; and they instruct me to report the enclosed bill, to be entitled, An act, defining the office and duties of Sheriffs—the passage of which they recommend.

It contains a provision answering the object of the bill first named—which bill they recommend to be laid upon the table.

[Signed]

P. W. GRAY,
Chairman.

Which report was read and adopted; and

A bill, to be entitled, An act, defining the office and duties of Sheriffs,

Read a first time.

On motion of Mr. Milican, the House proceeded to take up the

ORDERS OF THE DAY.

A bill, to be entitled, An act, requiring the Courts of the county of Tyler, to be holden at Town Bluff; was taken up,

Read a third time and passed.

A bill, to be entitled, An act, to prevent free negroes from settling in this State; was taken up,

Read a third time and passed.

A bill, to be entitled, An act, to provide for the transfer of Records of Administrators, to new counties; was taken up,

Read a third time and passed.

A bill, to be entitled, An act to authorize Inglis Oliver to reside, permanently in the State; was taken up,

Read a third time and passed.

Mr. Williams moved, to take up a bill, to be entitled, An act, extending a certain appropriation, for the pay of minute men.

Which motion was lost.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined the following bills, and find the same correctly enrolled:

An act, to establish the county of San Patricio;

An act, defining the limits of Nacogdoches county;

An act, establishing the seat of Justice of Dallas county;

An act, authorizing the Governor to offer rewards for fugitives;

An act, to establish the county of Nueces; and

An act, establishing the seat of Justice of Limestone county.

Said bills, having been signed by the Speaker of the House

of Representatives and the President, *pro tem.*, of the Senate, were, on the seventeenth day of April, presented to his Excellency, the Governor, for his approval.

Which report was read and accepted.

A "Joint Resolution, granting the Honorable John Hemphill, Chief Justice of the Supreme Court, leave of absence from the State;" was taken up,

Read a third time and passed.

A bill, to be entitled, An act, to provide for the publication of the laws of the State; was taken up,

Read a third time and passed.

A bill, to be entitled, An act, creating the office and defining the duties of Public Weighers; was taken up, and

Read a third time.

Mr. Willie moved that the bill be laid upon the table.

Which motion was lost.

The question recurred, on the final passage of the bill.

The yeas and nays being called thereon, stood as follows:

Yeas. Messrs. Speaker, Barry, Burroughs, Charlton, Clark, Dickson, Dupree, Durham, Erath, Gilliam Gooch, Holland, Howard, Irion, Keenan, McCown McNeill, Mullens, Pease, Perkins, Perry, Rayner, Rose, Russell, Sayage, Stewart and Truitt—27.

Nays. Messrs. Adams, Branch, Bourland, Brown, Cazneau, Cooke, Cronican, Echols, Edwards of San Augustine, Eddy, Jones, McClarty, McCulloch, McFarland, Miller, Milican, Muckleroy, Noble, Pattillo, Redgate, Sadler, Stevenson, Smith of Harris, Swift, Sublett, White, Williams and Willie—28.

So the bill was rejected.

A bill, to be entitled, An act, requiring the counties of Polk and Tyler, to pay a portion of the debt of Liberty county; was taken up,

Read a third time and passed.

A bill, to be entitled, An act, requiring the county of Grimes, to pay a portion of the debt of Montgomery county; was taken up,

Read a third time and passed.

A bill, to be entitled, An act, requiring the counties of La Vaca, De Witt and Guadalupe, to pay a portion of the debts of the counties from which they were composed; was taken up,

Read a third time and passed.

A bill, to be entitled, An act, regulating the office of County Treasurer; was taken up,

Read a third time and passed.

A bill, to be entitled, An act, requiring the County Surveyor of Liberty county, to make a correct map of the surveyed lands of Tyler county; was taken up,

Read a third time and passed.

A bill, to be entitled, An act, defining the boundaries of Rusk county; was taken up, and

Read a third time.

On motion of Mr. McCown, the bill was indefinitely postponed.

A message was received from the Senate, informing the House of the refusal of that body to recede from its amendments to a bill, to be entitled, An act, to authorize Chief Justices, elected on the first Monday in February last, to continue in office until their successors are elected; and that Messrs. Grimes and Coney had been appointed to act, on the part of the Senate, as a committee of conference thereon.

The House was also informed, that the Senate had passed the following Resolution:

Resolved by the Senate, That a committee of three be appointed, and that the House be requested to appoint a like committee, for the purpose of collecting all official seals, of the late Republic, and destroying the same.

Mr. Dupree, by leave, introduced a bill, to be entitled, An act, to punish purchasers of cotton for falsely weighing the same;

Which was read a first time.

A bill, to be entitled, An act, requiring Juries, in certain criminal cases, to assess the punishment to be imposed; was taken up,

Read a third time and passed.

A bill, to be entitled, An act, organizing County Courts; was taken up.

Mr. Pease, by leave, inserted the words, "or Chief and Associate Justices."

With this amendment, the bill was read a third time and passed.

A bill, to be entitled, An act, to declare what officers shall give Certificates of Elections, in Senatorial Elections, in Districts composed of more than one county—together with the amendments, made thereto by the Senate—was taken up.

The question was put, on the concurrence of the House in the first amendment.

The yeas and nays being called thereon, stood as follows:

Yeas. Messrs. Speaker, Barry, Branch, Dickson, Gilliam,

Gooch, Howard, McCown, McCulloch, McFarland, McNeill, Muckleroy, Ogden, Pease, Rayner, Savage, Stewart, Smith of Harris, and Truitt—19.

Nays. Messrs. Adams, Bourland, Brown, Cazneau, Clark, Cooke, Cronican, Echols, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Holland, Irion, Jones, McClarty, Miller, Milican, Mullens, Noble, Pattillo, Perry, Redgate, Russell, Sadler, White, Williams and Willie—29.

So the House refused to concur in the first amendment.

The second and third amendments were also rejected.

On motion of Mr. Bourland, Mr. Mabry was granted leave of absence for five days.

A bill, to be entitled, An act, to create the county of Navarro; was taken up—together with the amendments thereto, made by the Senate.

Which amendments were concurred in by the House.

Mr. Burroughs, Chairman of the committee on Enrolled Bills, made the following report:

COMMITTEE ROOM, }
April 18th, 1846. }

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on enrolled Bills, have examined the following bills and find them correctly enrolled:

An act, to require the county of Wharton, to pay a portion of the county debt of Colorado and Matagorda counties;

An act, to secure to the State of Texas, the Custom Revenue, received or incurred under the laws of the Republic of Texas; and

An act to authorize and require the Governor, to cause the constitution and certain laws of the State of Texas, to be translated into the German and Spanish languages.

Said bills, having been signed by the Speaker of the House of Representatives and President *pro tem.* of the Senate, were, this day, presented to his Excellency, the Governor, for his approval.

[Signed]

JAMES M. BURROUGHS,

Chairman.

Which report was read and accepted.

A "Joint Resolution, authorizing plaintiffs, or defendants, or their agents, to file in the Supreme Court, *Briefs* of their cases, which shall be taken as an appearance;" was taken up,

Read a third time and passed.

A bill, to be entitled, "An act, to authorize the Governor to demand monies due the State of Texas, by the Government of the United States;" was taken up,

Read a third time and passed.

A bill, to be entitled, "An act, requiring County Surveyors to record certain Field-notes;" was taken up, and

Read a third time.

Mr. Branch moved, that the bill be referred to the committee on the Judiciary.

On motion of Mr. Bourland, the bill was laid upon the table, until Monday, the twentieth inst.

A bill, to be entitled, "An act, for the relief of persons, who may have purchased lots, in the city of Austin, and out lots upon the tract adjoining;" was taken up,

On motion of Mr. Cazneau, the bill was ordered to be engrossed.

Mr. Erath moved, that the House adjourn, until Monday-morning, nine o'clock.

Which motion was lost.

On motion of Mr. Dickson, the House adjourned, until three o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Brown, Cazneau, Charlton, Clark, Cronican, Dickson, Dupree, Echols, Edwards of San Augustine, Edwards of Nacogdoches, Eddy, Erath, Gray, Gilliam, Gooch, Holland, Howard, Irion, Jones, Keenan, McCown, McFarland, McNeill, Miller, Milican, Mullins, Pattillo, Pease, Perry, Railey, Rayner, Redgate, Rose Russell, Sadler, Savage, Stewart, Smith of Harris, Swift, Sublett, Truitt, White, Williams and Willie.

A quorum being present, the House proceeded to business.

A bill, to be entitled, "An act, providing for the appointment of Patrols;" was taken up—together with the report thereon, made by the committee on State affairs.

The amendments proposed by the committee were read and adopted.

Mr. Echols moved that the words "twenty-five," be strick-

en out, and the word "fifteen" inserted, in lieu thereof. Which amendment was rejected.

Mr. McClarty, from the Select Committee, to whom was referred a bill, to be entitled, "An act, supplementary to an act, to provide for the election of Representatives to the Congress of the United States;" made the following report:

To the Honorable Wm. E. Crump

Speaker of the House of Representatives:

A majority of the Select Committee, to whom was referred, a bill to be entitled "An act, supplementary to an act, to provide for the election of Representatives to the Congress of the United States," passed February twenty-eighth, 1846, beg leave to report, that upon an investigation of said bill, they are of opinion, that it is in direct conflict with the twenty-fifth section of the seventh article of the Constitution; and, consequently, they recommend that it be laid upon the table; and as a substitute therefor, they have framed the bill herewith submitted; the passage of which is respectfully recommended.

[Signed]

CHAS. F. McCLARTY,

One of the Committee.

Which report was read and rejected.

The bill entitled An act, supplementary to an act, to provide for the election of Representatives to the Congress of the United States; was taken up.

Mr. Miller moved, to amend the bill, by striking out the "fifteenth of May," and inserting the "tenth," in lieu thereof.

Which amendment was rejected.

Mr. Miller then proposed to insert the "twelfth," in lieu of the "fifteenth."

Which amendment was also rejected.

On motion of Mr. Cazneau, the "ninth of May," was inserted, instead of the "fifteenth."

On further motion of Mr. Cazneau, the bill was ordered to be engrossed.

Mr. Cazneau then moved, that the rule of the House, requiring bills to be read on three several days, be suspended.

Which motion was carried.

The bill was then read a third time and passed.

A message was received from his Excellency the Governor, informing the House, that he had approved and signed the following bills:

An act, to establish the county of Nueces;

An act, establishing the Seat of Justice of Limestone county;

An act, establishing the Seat of Justice of Dallas county;
 An act, defining the limits of Nacogdoches county;
 An act, authorizing the Governor to offer rewards for fugitives;

An act, requiring the county of Wharton, to pay a portion of the county debt of Colorado and Matagorda counties:

An act, to authorize and require the Governor, to cause the Constitution and certain laws, of the State of Texas, to be translated into the German and Spanish languages; and

An act to secure to the State of Texas, the Customs Revenue, received or incurred under the laws of the Republic of Texas.

A bill to be entitled An act, to authorize the institution of suits against the State; was taken up

Read a second time and passed to a third reading.

Mr. Dupree moved, that the rule of the House, requiring bills to be read on three several days, be suspended, so that the bill might be read a third time and passed.

Which motion was lost.

By request, leave of absence was granted Mr. Branch, for the balance of the session.

On motion of Mr. Howard, the House adjourned, until Monday morning, nine o'clock.

HOUSE OF REPRESENTATIVES, }
 CITY OF AUSTIN, MONDAY, }
 April 20th 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Brown, Cazneau, Charlton, Clark, Cronican, Dickson, Dupree, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gilliam, Gooch, Holland, Howard, Irion, Jones, Keenan, McCown, McFarland, McNeill, Miller, Milican, Mullens, Pattillo, Pease, Perry, Railey, Rayner, Redgate, Rose, Russell, Sadler, Savage, Stewart, Smith of Harris, Swift, Sublett, Truitt, White, Williams and Willie.

A quorum being present, the House proceeded to business.

The Journal of Saturday, the eighteenth instant, was read and adopted.

Mr. Stewart, chairman of the committee on Finance, to whom was referred the several bills, providing for the assessment and collection of taxes, reported relative thereto; which report was read and laid upon the table, to come up with the orders of the day.

[No full transcript of this report was made into the Journal, and the original being misplaced, a copy cannot be furnished for publication.]

Mr. Clark, chairman of the committee on State Affairs, made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on State Affairs herewith present, for the consideration of the House, a bill, drawn in obedience to a Resolution referred to them, requiring them to draft a law providing for the election of Electors of President and Vice President of the United States.

[Signed]

E. CLARK,
Chairman.

Which report was read and adopted.

A bill to be entitled An act, to provide the manner of electing Electors, for President and Vice President of the United States, and prescribing their duties and powers; was

Read a first time.

On motion of Mr. Sublett, the following protest was ordered to be spread upon the Journals:

AUSTIN, April 13th 1846.

The undersigned beg leave, of the honorable House of Representatives, to enter upon the Journals of the House, their protest against the passage of a bill, entitled An act, organizing County Courts.

The undersigned protest against the passage of said bill:

First. Because, in their humble opinions, the eighth section of said bill conflicts with that clause of the Constitution, which declares that, "Taxation shall be equal and uniform throughout the State. This section confers, upon the County Courts of the respective counties, the power of assessing and levying a tax upon all property, situate within their respective counties, a tax, not to exceed one half the amount of tax levied by the State. It is certain, that in the exercise of this power, by the

various County Courts of the State, a difference in the rate of taxation will ensue." Again, the undersigned are at a loss to know by what authority the Legislature can confer Legislative powers, upon the County Courts or upon any other body; it is a power which, by the Constitution, is confided to the Legislature alone, and cannot in the humble opinion of the undersigned be transferred by that body to any other.

The undersigned believe that it is the duty of the Legislature to adopt a plan for the raising of a revenue for county purposes—that it is incumbent upon the Legislature to enact such laws as will ensure the erection of Jails and Court Houses, in all the counties of the State; and that, instead of imposing upon the citizens of one county, or upon the property of citizens, which may be situated in any particular county, specific appropriations should be made, by the State, for that purpose, and the people of Texas; and not the inhabitants of a sparsely settled county, bear the burdens.

Again, the undersigned most solemnly protest against the passage of said bill, because said eighth section imposes upon the citizens of the State, the necessity of going to the county in which their lands may be situated, both to give in and pay the tax which may be levied thereon. The undersigned conscientiously believe, that it will be the cause of many worthy citizens losing their lands: They will necessarily, have to depend upon agents; and will have to transmit by mail, a list of their property to the different counties in which it may be situate; and any accident or any neglect, on the part of their agents, would cause their lands to be sacrificed for taxes.

The undersigned farther protest against the passage of said bill, because by the provisions of said eighth section, the County Courts, of the respective counties, are authorized to levy a tax upon the property of citizens of the State, who have no voice in the election of the officers of the Court, levying the tax: Taxation is authorized when there is no representation—a principle, the most repugnant of all others to the genius of American Institutions.

[Signed] } HENRY SUBLETT.
 } WM. J. SADLER.
 } Z. WM'S. EDDY.

Mr. Cooke introduced a bill, to be entitled An act, to suspend the Colonization Contracts for settling the public domain; and to authorize the Contractors to institute suits for their premium lands;

Which was read a first time.

Mr. Clark introduced a bill, to be entitled An act, prescribing the duties and powers of the Commissioners, appointed to locate the county seats of Panola and Upshur counties;

Which was read a first time.

Mr. Clark also introduced a bill, to be entitled An act, authorizing the Comptroller of Public Accounts, to examine and settle the accounts of Hugh S. Hope;

Which was read a first time.

Mr. Clark also introduced a bill, to be entitled An act, to provide for running and marking the lines of the counties of Panola and Upshur;

Which was read a first time.

Mr. Pattillo introduced a bill, to be entitled An act, to provide for the appointment of Assessors and Collectors of taxes;

Which was read a first time.

Mr. Burroughs chairman of the committee on Enrolled Bills, made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on Enrolled Bills have examined the following bills, and find the same correctly enrolled:

An act, to settle conflicting rights, between the counties of La Vacca, De Witt, Victoria, Jackson and Calhoun;

An act, requiring the county of Limestone to pay one-fourth of the debt of Robertson county;

An act, creating the county of Angelina.

Said bills having been signed by the Speaker of the House of Representatives and President *pro tem.*, of the Senate, were this day presented to his Excellency, the Governor, for his approval.

[Signed]

J. M. BURROUGHS,
Chairman.

Which report was read accepted.

On motion of Mr. Miller, the House proceeded to the

ORDERS OF THE DAY.

Mr. Rose moved, that the bill, to be entitled An act, extending an appropriation for the pay of minute men, be taken up;

Which motion was carried.

The bill was then taken up and read a first time.

On motion, the rule of the House, requiring bills to be read on three several days, was suspended, and the bill was read a second time.

Mr. Miller moved, that the bill be referred to the committee on Finance;

Which motion was lost.

On motion of Mr. Rose, the bill was referred to the committee on the Judiciary.

A bill to be entitled An act, requiring County Surveyors to record certain Field Notes; was taken up

Read a third time and passed.

A bill to be entitled An act, to define in what manner Judgments shall operate, as a lien upon real estate; was taken up and

Read a first time.

A bill to be entitled An act, to incorporate the City of Austin; was taken up—together with the amendments thereto made by the committee on State Affairs.

Which amendments were read and adopted.

On motion of Mr. Cazneau, the bill was ordered to be engrossed.

Mr. Russell chairman of the committee on Engrossed Bills, made the following report:

To the Honorable Speaker

of the House of Representatives:

The committee on Engrossed Bills, have examined a bill, to be entitled An act, supplementary to an act, to provide for the election of Representatives to the Congress of the United States—passed, February twenty-eighth, eighteen hundred and forty-six—and find the same correctly engrossed.

(Signed)

A. J. RUSSELL,

Chairman.

Which report was accepted.

Mr. Willie moved, that a committee of Conference be appointed, to take under consideration a bill, to be entitled An act, providing for Chief Justices, elected on the first Monday in February, to hold their offices until their successors are elected.

Which motion was carried.

The Speaker then appointed Messrs. Willie, Gillett and Noble, to compose said committee, on the part of the House.

The Resolution, from the Senate, appointing a committee to destroy the Seals of the late Republic of Texas; and requesting the appointment of a like committee on the part of the House—was taken up, and adopted.

The Speaker then appointed Messrs. Sadler, Stewart and Smith of Harris, to compose said committee.

A bill to be entitled An act, to prescribe the mode of conveying property, in which the wife has a separate interest; was taken up—together with the report of the Judiciary committee thereon.

Which bill was passed to a third reading.

A bill to be entitled An act, to authorize the institution of suits against the State; was taken up

Read a third time and passed.

A bill to be entitled An act, to make provision for Public Education; was taken up—together with the amendments thereto, proposed by the committee on the Judiciary.

Which amendments were read and adopted.

Mr. Pease offered the following, as an additional section to the bill:

Be it further enacted, That the Commissioners of Schools be and they are hereby, required to cause to be located, all such lands, or rights to lands, as may be surrendered, by any of the counties of this State, under the provisions of this act.

Which amendment was read and adopted.

Mr. McCown moved, that the blank be filled with the words "second Monday in July."

Which amendment was adopted.

On motion, the bill was then ordered to be engrossed.

A bill to be entitled An act, to provide for the appointment of Patrols; was taken up and

Read a second time.

The yeas and nays were called, on the passage of the bill to a third reading, and stood as follows:

Yeas. Messrs. Speaker, Adams, Barry, Brown, Burroughs, Charlton, Clark, Cronican, Dickson, Durham, Edwards of Nacogdoches, Gilliam, Gooch, Holland, Howard, Irion, Jones, Keenan, McClarty, McCown, McCulloch, McNeill, Miller, Muckleroy, Noble, Perry, Rayner, Redgate, Ryburn, Savage, Stewart, Truitt and White—33.

Nays. Messrs. Bourland, Echols, Gray, Hudson, McFarland, Mullens, Pattillo, Pease, Perkins, Rose, Russell, Smith of Harris, Swift and Willie—14.

So the bill was passed to a third reading.

A Joint Resolution, instructing our Senators and requesting our Representatives, in the Congress of the United States, to procure the establishment of certain mail routes; was taken up

Read a third time and passed.

A bill to be entitled An act, for the relief of N. Amory; was taken up, and

Read a first time.

A Joint Resolution, for the relief of James W. Dallam; was taken up, and

Read a second time.

On motion of Mr. Rayner, the bill was referred to the committee on Education.

Mr. Stewart moved, that Mr. Rayner be added to the committee on Education.

Which motion was carried.

Mr. McClarty moved, that Mr. Stewart be added to the committee on Education.

Which motion was carried.

A bill to be entitled An act, to authorize the Governor to notify Chief Justices, of the appointment of Notaries Public; was taken up, and

Read a first time.

Mr. Pease moved, that the rule of the House, requiring bills to be read on three several days, be suspended.

Which motion was lost.

A bill to be entitled An act, to prevent Justices of the Peace, or Clerks of Inferior Courts, from issuing executions for costs; was taken up and

Read a first time.

A bill to be entitled An act, to repeal an act, authorizing the consolidation and funding of the Public Debt; was taken up, and

Read a first time.

A bill to be entitled An act, to punish persons, who shall write, print, publish or distribute anything having a tendency to produce insubordination among the colored population of this State; was taken up, and

Read a first time.

Mr. Burroughs introduced the following resolution:

Resolved, That the House of Representatives subscribe for seventy copies of the "Texas Democrat," and no more.

Which resolution was read, and

On motion of Mr. Boupland laid upon the table one day, for consideration.

A bill to be entitled An act to organize the Supreme Court; was taken up, and

Read a first time.

On motion, the rule of the House requiring bills to be read on three several days, was suspended.

The bill was then read a second time, by its caption, and On motion referred to the committee on the Judiciary.

Mr. McClarty moved that a call of the House be made.

Which motion was lost.

A bill, to be entitled, "An act, to organize Probate Courts," was taken up, and

Read a first time.

On motion of Mr. White, the rule of the House, requiring bills to be read on three several days, was suspended.

The bill was then read a second time, and,

On motion referred to the committee on the judiciary.

On motion of Mr. Russell, the House adjourned, until three o'clock, P. M.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Bourland, Brown, Charlton, Cazneau, Clark, Cooke, Cronican, Dickson, Dupree, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gray, Gillett, Gilliam, Gooch, Howard, Hudson, Irion, Jones, Mabry, McCown, McCulloch, McFarland, McNeill, Miller, Muekleroy, Mullens, Pattillo, Perry, Railey, Rayner, Rose, Russell, Ryburn, Sadler, Savage, Smith of Harris, Swift, Tankersly, Truitt, White and Willie.

A quorum being present, the House proceeded to business.

Mr. Willie introduced a bill, to be entitled, "An act, supplementary to an act, to establish the judicial districts of the State."

Which was read a first time.

A bill, to be entitled "An act, defining the office and duties of Sheriffs," was taken up, and

Read a second time.

Mr. McCown moved to fill the blank in the bill, with "fifty dollars."

Which amendment was rejected.

Mr. Barry moved to fill the blank with "twenty-five dollars."

Which amendment was also rejected.

Mr. Miller proposed to fill the blank with "twenty dollars."

Which amendment was rejected.

Mr. Rose proposed to strike out all, in the bill, relative to fines; and insert, in lieu thereof, the words: "shall be fined, as for a contempt, at the discretion of the Court."

Which amendment was adopted.

Mr. Russell moved, to amend the amendment, by inserting the words—"Provided, That such fine shall never exceed one hundred dollars."

Which amendment was adopted:

Mr. Gillett moved, to strike out the entire section.

Which motion was lost.

Mr. White moved, to strike out the word "three," before the word "days," and insert the word "five," in lieu thereof.

Which amendment was rejected.

Mr. Willie moved, that the bill be laid upon the table, until Thursday next, ten o'clock, A. M.

Which motion was lost.

Mr. Brown moved that the bill be laid upon the table, until Thursday next.

Which motion was carried.

Mr. Gooch introduced a bill, to be entitled, "An act, for the relief of innocent purchasers of Land Certificates."

Which was read a first time.

Mr. Russell, Chairman of the committee on Engrossed Bills, made the following report:

To the Honorable Speaker,

of the House of Representatives:

The committee on Engrossed Bills, have examined the following bill and find the same correctly engrossed:

A bill, to be entitled, "An act, for the relief of any person, who may have purchased lots in the city of Austin, and out lots, on the tract adjoining."

[Signed]

A. J. RUSSELL,
Chairman.

Which report was read and accepted.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report:

To the Honorable Speaker

of the House of Representatives:

The committee on Enrolled Bills, have examined the following bills, and find the same correctly enrolled:

"An act, to protect religious meetings,"

An act, creating the county of Newton, and

A Joint Resolution, instructing our Senators and requesting our Representatives in the Congress of the United States, to procure the passage of a law, for the relief of mail contractors.

Said bills and Joint Resolution, having been signed by the Speaker of the House of Representatives and the President, *pro tem.*, of Senate, were this day presented to his Excellency, the Governor, for his approval.

[Signed]

J. M. BURROUGHS,
Chairman.

Which report was read and accepted.

A bill, to be entitled, "An act, to authorize the formation of limited partnerships;" was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed.

A "Joint Resolution, for the relief of Thomas Johnson and James Webb;" was taken up, and

Read a second time.

On motion of Mr. Willie, the Joint Resolution was referred to a select committee.

The Speaker appointed Messrs. Willie, Cazneau and Bourland, to compose said committee.

Mr. Cazneau introduced the following resolution:

"*Resolved*, That the committee on Finance, are hereby instructed to enquire, and report to this House, what amount of money there is *now* in the Treasury; and what amount of money due and accruing to the late Republic of Texas, will probably be received in the course of this year; and what amount was available on the sixteenth day of February, last."

Which resolution was read and adopted.

A bill, to be entitled, "An act, to apportion the liabilities between the counties of Houston and Anderson;" was taken up, and

Read a second time.

Mr. Miller offered an additional section to the bill;

Which was read and adopted.

On motion, the bill was then ordered to be engrossed.

A bill, to be entitled, "An act, regulating the practice and licences of Attorneys;" was taken up, and

Read a second time by its caption.

On motion of Mr. Willie, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, authorizing the Commissioner

of the General Land Office, to have a complete map made of the county of Houston;" was taken up, and

Read a second time.

Question.—Shall the bill, now under consideration of the House, be engrossed?

The House decided in the negative.

Mr. Clark moved, that the bill be referred to the committee on the Land Office.

Which motion was carried.

A bill, to be entitled, "An act, to require the county of Newton, to pay a portion of the debt of Jasper county;" was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, for the better protection of females;" was taken up, and

Read a second time.

Mr. Russell moved, that the bill be referred to the committee on the Judiciary.

Which motion was lost.

Mr. Howard moved, that the bill be referred to the committee on Claims and Accounts.

Which motion was lost.

On motion of Mr. Willie, the bill was referred to the committee on Internal Improvements.

Mr. Miller moved, that Mr. Willie be added to the committee on Internal Improvements.

[No action of the House, is reported in the Journal, on this motion.]

A bill, to be entitled, "An act, to authorize the State to be sued, for all pecuniary claims;" was taken up, and

Read a second time.

On motion of Mr. Howard, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, to punish purchasers of cotton and other produce, for falsely weighing the same;" was taken up, and

Read a second time.

On motion the bill was ordered to be engrossed.

A bill, to be entitled, "An act, for the emancipation of minors;" was taken up, and

Read a second time.

On motion of Mr. Dickson, the bill was indefinitely postponed.

A bill, to be entitled, "An act, creating the county of Nacogdoches;" was taken up, and

Read a second time.

On motion of Mr. Pattillo, the bill was laid upon the table.

On motion of Mr. Sadler, the House adjourned, until Wednesday morning, nine o'clock A. M.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, WEDNESDAY, }
April 22d, 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Brown, Charlton, Clark, Cronican, Dickson, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Irion, Keenan, Mabry, McCown, McClarty, McCulloch, McNeill, Miller, Muckleroy, Mullens, Noble, Pattillo, Perkins, Perry, Rayner, Russell, Sadler, Savage, Stevenson, Smith of Harris, Swift, Tankersly, Truitt, White, Williams and Willie.

A quorum being present, the House proceeded to business.

The Journal of Monday the twentieth inst. was read and adopted.

On motion of Mr. Clark, leave of absence was granted Mr. Rose, for two weeks.

Mr. Edwards of San Augustine, presented the petition of B. J. Thompson.

Which was referred to the committee on Public Lands, without reading.

Mr. Miller introduced a bill, to be entitled, "An act, to provide for running the lines of Anderson county.

Which was read a first time.

Mr. Dickson moved, that the vote of the House, taken on a previous day, indefinitely postponing a bill, to be entitled, "An act, for the emancipation of minors," be re-considered.

Which motion was carried.

On Motion of Mr. Dickson, the bill was referred to the committee on State Affairs.

On motion of Mr. Clark, the House proceeded to the
ORDERS OF THE DAY.

A bill, to be entitled, "An act, defining the mode of conveying property, in which the wife has a separate interest; was taken up;

Read a third time and passed.

By request, leave was granted Mr. Charlton, to withdraw the accounts and vouchers of the Hon. E. L. Branch, from the committee on Claims and Accounts.

A bill, to be entitled; "An act, to define, in what manner a Judgment shall operate as a lien upon real estate;" was taken up, and

Read a second time.

On motion of Mr. Pease, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, for the relief N. Amory;" was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Finance.

A bill, to be entitled, "An act, requiring the Governor to notify Chief Justices, of the appointment of Notaries Public;" was taken up,

Read a second time, and passed to a third reading.

A bill, to be entitled, "An act, to prevent Justices of the Peace and Clerks of the District and County Courts, from issuing executions for costs;" was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, to repeal the fourth section of an act authorizing the consolidation and funding of the Public Debt;" was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Finance.

A bill, to be entitled, "An act, to punish persons, who shall print, write, publish or distribute, anything, having a tendency to produce insubordination among the colored population of this State;" was taken up, and

Read a second time.

On motion of Mr. White, the bill was referred to the committee on State Affairs.

A bill, to be entitled, "An act, for the relief of purchasers of Lots in the city of Austin, and on the tract adjoining;" was taken up, and

Read a third time.

The yeas and nays were called, on the final passage of the bill, and stood as follows:

Yeas. Messrs. Speaker, Adams, Bourland, Brown, Cazneau, Charlton, Cronican, Edwards of Nacogdoches, Erath, Gooch, Howard, Jones, Keenan, Mabry, McCulloch, McFarland, McNeill, Mullens, Pease, Perkins, Perry, Rayner, Redgate, Ryburn, Savage, Stewart, Smith of Harris, Swift, Tankersly, Truitt, White and Willie—32.

Nays. Messrs. Barry, Clark, Dickson, Echols, Gray, Gillett, Irion, McCown, Miller, Muckleroy, Noble, Pattillo, Russell, and Sadler—14.

So the bill was passed.

A bill, to be entitled, "An act, to incorporate the La Vaca and Rio Grande Railroad Company;" was taken up—together with the report of the committee on Internal Improvements, thereon, recommending the bill to be laid upon the table.

Which report was read and adopted.

A bill, to be entitled, "An act, to open and construct a Turnpike road, from the city of Houston to the town of Brenham;" was taken up—together with the report of the committee on Internal Improvements.

Which report was read and adopted.

Mr. Willie proposed to amend the bill, by inserting the words—"which said road shall cross the river at Ralston's Ferry."

Which amendment was rejected.

On motion, the bill was ordered to be engrossed.

A message was received from the Senate, informing the House of the passage of the following bills by that body:

A bill, to be entitled, "An act, supplementary to an act, to provide for the election of Representatives to the Congress of the United States;"

A bill, to be entitled, "An act, regulating Juries,"—with amendments;

A bill, to be entitled, "An act, to raise a revenue by direct taxation"—with amendments.

A bill, to be entitled, "An act, to legalize the several seals, heretofore used by the Commissioner of the General Land Office," with amendments.

A bill, to be entitled, "An act, to organize the county of Upshur;"

A bill, to be entitled, "An act, transferring part of the liabilities of Milam county to Burleson county;"

A bill to be entitled An act, for the relief of James Gilliam, assignee of Jesse Billingsly.

A bill to be entitled An act, concerning roads, in Robertson county;

A bill to be entitled An act, creating the county of Henderson;

A bill to be entitled An act, to incorporate the Society of Free Masons.

A bill to entitled An act, to authorize and require the commissioner of the General Land Office, to issue Patents to claimants, on lands lying in two or more counties;

A bill to be entitled An act, to legalize certain surveys, made in Bexar county by the surveyor of Bastrop county;

A Joint Resolution, declaring the exclusive right of the State of Texas, to the jurisdiction over the soil, within the limits thereof—with amendments; and

A Joint Resolution, to authorize E. G. Reçtor, to sell and transfer his six hundred and forty acres of Donation land, to which he is entitled, for having participated in the battle of San Jacinto.

The House was also informed that the Senate had refused to recede from their amendments to a bill to be entitled An act, to declare what officers shall give Certificates of election, in Senatorial elections, in Districts composed of more than one county; and that Messrs. Phillips, Williams and Bagby, had been appointed as a committee of Conference, on the part of that body.

A bill to be entitled An act, to incorporate the citizens of New Braunfels; was taken up—together with the report thereon, made by the committee on the Judiciary.

Which report was read and adopted.

On motion, the bill was ordered to be engrossed.

Mr. Rayner, by leave, presented the petition of sundry persons, of Austin and Montgomery counties.

Which was read and referred to the committee on County Boundaries.

A bill to be entitled An act, to establish a system of weights and measures; was taken up and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill to be entitled An act, for the protection of the Christian Sabbath; was taken up and
Read a second time.

Mr. Tankersly moved, that the bill be read by sections.
Which motion was carried.

On motion of Mr. McCown, the sixth section of the bill was stricken out.

Mr. Barry moved, that the words "pastime or amusement, without bet or wager," in the eighth section of the bill be stricken out.

Which motion was carried.

Mr. Tankersly moved to amend the eighth section, by striking out the word "ten," before the word dollars, and inserting in lieu thereof, the word "five."

Mr. McCulloch moved, that the eighth section of the bill be stricken out.

Mr. Rayner proposed to amend the eighth section, by inserting, after the words "Cock-fight," the words or engaged in fighting the Tiger."

Which amendment was adopted.

Mr. Miller moved, that the sense of the House be taken on the previous question.

Which motion was lost.

Mr. Gilliam moved, that the vote of the House, adopting Mr. Rayner's amendment, be reconsidered.

Which motion was lost.

The question then recurred, on the adoption of Mr. McCulloch's motion, to strike out the eighth section of the bill.

The yeas and nays being called thereon, stood as follows:

Yeas. Messrs. Adams, Bourland, Charlton, Clark, Cronican, Durham, Eddy, Erath, Gillett, Holland, Irion, Keenan, McClarty, McCown, McCulloch, Ogden, Pattillo, Pease, Rayner, Sadler, Savage, White and Willie—23.

Nays. Messrs. Speaker, Barry, Brown, Burroughs, Dickson, Edwards of Nacogdoches, Gray, Gilliam, Gooch, Howard, Mabry, McFarland, McNeill, Miller, Muckleroy, Mullens, Noble, Perkins, Perry, Redgate, Russell, Ryburn, Stewart, Smith of Harris, Swift, Truitt and Willie—27.

So the motion was lost.

The eighth section of the bill was then adopted.

Mr. Gillett moved, that the ninth section of the bill be stricken out.

Mr. Willie proposed to amend the ninth section, by inserting

the words "and it shall be considered an act of charity, to allow each customer three drinks a day."

The yeas and nays being called, on the adoption of Mr. Willie's amendment, stood as follows:

Yeas. Messrs. Adams, Cronican, Gillett, Gooch, Hudson, McClarty, McCulloch, Ogden, Pease, Rayner, Stevenson, White, Williams and Willie—14.

Nays. Messrs. Speaker, Barry, Bourland, Brown, Burroughs, Charlton, Clark, Dickson, Durham, Edwards of Nacogdoches, Eddy, Erath, Gray, Gilliam, Howard, Irion, Keenan, Mabry, McCown, McFarland, McNeill, Miller, Muckleroy, Mullens, Noble, Pattillo, Perkins, Perry, Redgate, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Swift and Truitt—37.

So the amendment was rejected.

Mr. McCulloch moved, that a call of the House be made.

Which motion was lost.

Mr. Dickson moved, that the words "keep open any store, or," be stricken out.

Which motion was carried.

Mr. Bourland moved, to amend by striking out the word "Dogery," and inserting in lieu thereof the words, "Tippling-Shop."

Mr. Willie proposed to amend the amendment proposed by Mr. Bourland, by striking out the words "Tippling-Shop," and inserting, in their stead, the word "Juicery."

Which amendment was rejected.

Mr. Durham moved, that the bill be postponed, until the fourth day of July next.

The yeas and nays were called, on the adoption of Mr. Durham's motion, and stood as follows:

Yeas. Messrs. Speaker, Adams, Cronican, Durham, Eddy, Erath, Gillett, Gooch, Holland, Irion, Keenan, McClarty, McCown, McCulloch, Ogden, Pattillo, Pease, Perkins, Rayner, Sadler, Savage, Stevenson, Smith of Harris, White, Williams and Willie—26.

Nays. Messrs. Barry, Brown, Bourland, Burroughs, Charlton, Clark, Dickson, Echols, Edwards of Nacogdoches, Gray, Gilliam, Howard, Hudson, Mabry, McFarland, McNeill, Miller, Muckleroy, Mullens, Noble, Perry, Redgate, Russell, Ryburn, Stewart, Swift, Tankersly and Truitt—28.

So the motion was lost.

Mr. Gillett, called for the previous question—the striking out of the ninth section of the bill.

The yeas and nays being called thereon, stood as follows:

Yeas. Messrs. Adams, Clark, Cronican, Durham, Eddy, Erath, Gray, Gillett, Gooch, Holland, Irion, Keenan, McClarty, McCown, McCulloch, Ogden, Pattillo, Pease, Rayner, Sadler, Savage, Stevenson, Smith of Harris, White and Willie—25.

Nays. Messrs. Speaker, Barry, Bourland, Brown, Burroughs, Charlton, Dickson, Echols, Edwards of Nacogdoches, Gilliam, Howard, Hudson, Mabry, McFarland, McNeill, Miller, Muckleroy, Mullens, Noble, Perkins, Perry, Redgate, Russell, Ryburn, Stewart, Swift, Tankersly, Truitt and Williams—29.

So the motion to strike out the ninth section of the bill, was lost.

Mr. Dickson moved, that the words "keep open a Dram-Shop, Tippling-House or Grocery" be stricken out.

Which motion was carried.

Mr. Keenan moved, that the bill be re-committed to the committee on Claims and Accounts.

The yeas and nays being called thereon, stood as follows:

Yeas. Messrs. Speaker, Adams, Bourland, Cronican, Durham, Eddy, Erath, Gillett, Gooch, Irion, Keenan, McClarty, McCown, McCulloch, Ogden, Pattillo, Pease, Perkins, Rayner, Russell, Stevenson, Smith of Harris, White, and Willie—24.

Nays. Messrs. Barry, Brown, Burroughs, Charlton, Clark, Dickson, Echols, Edwards of Nacogdoches, Gray, Gilliam, Holland, Howard, Mabry, McFarland, McNeill, Miller, Muckleroy, Mullens, Noble, Perry, Redgate, Ryburn, Swift, Tankersly, Truitt and Williams—26.

So the motion, to re-commit the bill, was lost.

Mr. Stewart moved, that the House adjourn, until half past three o'clock, P. M.

Which motion was lost.

Mr. Williams moved, that the House adjourn, until three o'clock, P. M.

Which motion was lost.

Mr. Mabry moved, that the bill and amendments be laid upon the table, until Saturday next.

On motion of Mr. Echols, the House adjourned, until three o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Burroughs, Brown, Charlton, Clark, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Irion, Mabry, McClarty, McCulloch, McFarland, McNeill, Miller, Muckleroy, Pattillo, Pease, Perkins, Perry, Railey, Rayner, Redgate, Russell, Ryburn, Sadler, Stewart, Smith of Harris, Swift, Tankersly, Truitt, White and Willie.

A quorum being present, the House proceeded to business.

A bill to be entitled An act, to protect the Christian Sabbath, being under consideration.

Question. Shall the bill, now under consideration be laid upon the table, until Saturday next?

The yeas and nays were called thereon, and stood as follows:

Yeas. Messrs. Bourland, Clark, Dupree, Durham, Erath, Gillet, Gooch, McClarty, McCown, McFarland, Pattillo, Pease, Perkins, Perry, Railey, Rayner, Sadler, Savage, Smith of Harris, White and Willie—21.

Nays. Messrs. Speaker, Adams, Barry, Brown, Charlton, Dickson, Echols, Edwards of Nacogdoches, Eddy, Gray, Gilliam, Irion, Mabry, McCulloch, Miller, McNeill, Muckleroy, Noble, Redgate, Russell, Stewart, Swift, Tankersly and Truitt—25.

So the question was decided in the negative.

Mr. McCulloch moved, that the bill be referred to the committee on State Affairs.

The yeas and nays being called thereon, stood thus:

Yeas. Messrs. Adams, Bourland, Clark, Dupree, Durham, Eddy, Erath, Gillett, Gooch, Irion, Mabry, McClarty, McCown, McCulloch, Pattillo, Pease, Rayner, Sadler, Smith of Harris, White and Willie—23.

Nays. Messrs. Speaker, Barry, Brown, Charlton, Dickson, Echols, Edwards of Nacogdoches, Gray, Gilliam, Hudson, McFarland, McNeill, Miller, Muckleroy, Noble, Perry, Redgate, Russell, Ryburn, Savage, Stewart, Swift, Tankersly and Truitt—24.

So the motion was lost.

Mr. Miller moved, that the sense of the House be taken on the previous question.

Which motion was carried.

Mr. Gillett moved, that a call of the House be made.

Which motion was carried.

On motion of Mr. Gray, the call of the House was suspended.

Mr. Gillett moved, that the bill be referred to a select committee of five.

Which motion was carried.

The Speaker appointed Messrs. Gillett, Pease, Echols, Miller, and Eddy, to compose said committee.

Mr. Gray moved, that the vote of the House, which passed a bill to be entitled An act, to provide for the transfer of property, in which the wife has a separate interest, be reconsidered.

Which motion was carried.

Mr. Gray then offered an additional section to the bill.

Which was read and adopted.

The bill was then finally passed.

On motion of Mr. Dickson, the bill to be entitled An act, to provide for the assessment and collection of taxes, was taken up

Mr. McNeill moved, that a call of the House be made.

Which motion was carried.

On motion of Mr. White, the call of the House was suspended.

The sense of the House was taken, on the adoption of the substitutes for the ninth and twelfth sections of the bill, and the ——— proposed by the committee on Finance; and the

Substitute rejected.

Mr. White moved, that the report of the committee be rejected.

Which motion was lost.

Mr. Bourland offered an additional section to the bill.

Mr. Stewart proposed to amend the amendment by inserting the words "may make the returns of such property, duly certified by some authority of his county, competent to administer oaths."

Which amendment was adopted.

The additional section, proposed by Mr. Bourland, was then adopted.

Mr. Bourland proposed to amend, by striking out all, after the word "unpaid," in the third line, and inserting the words "and shall publish the same in one or more newspapers, of this State, for at least eight weeks."

Which amendment was adopted.

On motion, the twenty-third section of the bill was stricken out.

Mr. Miller offered an additional section to the bill.

Which amendment was rejected.

Mr. Stewart proposed four additional sections to the bill—two of which were adopted.

Mr. McNeill proposed to amend the first section of the bill, by inserting the following:

“There shall be elected by the qualified electors of each county in this State, an Assessor and Collector of Taxes—who shall hold his office for two years and until his successor is duly qualified.”

Mr. Miller proposed to amend by striking out the word “two,” before “thousands,” and inserting the word “six,” in lieu thereof.

Which amendment was adopted.

Mr. Willie proposed to amend, by inserting in the oath, the words “and the value thereof” after the word “amount.”

Which amendment was adopted.

Mr. Gray offered an amendment, to come in after Mr. McNeill’s amendment.

Which amendment was adopted.

Mr. Burroughs proposed to amend by inserting the words “and said Bond shall be renewed annually.”

Which amendment was adopted.

Mr. Dupree proposed to amend the amendment, by inserting the words “and approved by the County Court.”

Which amendment was adopted.

Mr. Echols moved, that the bill be engrossed.

Mr. Dupree moved, to strike out all after the words “so help me God” in the fourth section of the bill.

Which motion was carried.

Mr. McNeill proposed to amend by striking out the word “they receive notice of their appointment” and inserting the words “he shall have received of his election or appointment.”

Which amendment was adopted.

Mr. Durham moved, that the sense of the House be taken on the previous question.

Which motion was carried.

Question. Shall the bill, now under consideration of the House, be engrossed?

The yeas and nays were called thereon, and stood as follows:

Yeas. Messrs. Barry, Bourland, Brown, Charlton, Dickson, Dupree, Durham, Echols, Gillett, Gooch, Holland, Hudson, Keenan, Mabry, McClarty, McFarland, McNeill, Miller, Muckleroy, Noble, Rayner, Redgate Ryburn, Sadler, Savage, Stewart, Swift and Willie—28.

Nays. Messrs. Burroughs, Clark, Cronican, Edwards of Nacogdoches, Gray, Howard, Irion, McCown, Mullens, Ogden, Pease, Perry, Perkins, Smith of Harris, Sublett, Tankersly, Truitt and White—18.

So the bill was ordered to be engrossed.

On motion of Mr. Sublett, the House adjourned, until to-morrow morning, eight o'clock.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, THURSDAY, }
April 23, 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Brown, Burroughs, Charlton, Clark, Cooke, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Erath, Gillett, Gooch, Holland, Hudson, Irion, Keenan, Mabry, McClarty, McCown, McCulloch, McFarland, McNeill, Miller, Muckleroy, Mullens, Noble, Perkins, Perry, Railey, Rayner, Redgate, Russell, Ryburn, Sadler, Savage, Smith of Harris, Sublett, Tankersly, Truitt, White and Willie.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Russell, chairman of the committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, }
April 23, 1846. }

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on Engrossed Bills, have examined the following bills, and find the same correctly engrossed:

A bill to be entitled An act, to apportion the liabilities of the county of Houston, between said county and the county of Anderson;

A bill to be entitled An act, to made provision for Public Education;

A bill to be entitled An act, requiring the county of Newton to pay a portion of the debt of Jasper county; and

A bill to be entitled An act, for the punishment of any person, purchasing cotton, or other produce, and falsely weighing the same.

[Signed]

A. J. RUSSELL,
Chairman.

Which report was read and accepted.

Mr. Pease introduced a bill to be entitled An act, to incorporate the several counties of this State.

Which was read a first time.

On motion of Mr. Stewart, the rule of the House, requiring bills to be read on three several days, was suspended.

The bill was then read a second time, and

On motion, referred to a select committee.

The Speaker appointed Messrs. Pease, Tankersly, Clark, Howard and Sublett, to compose said committee.

Mr. McCown, introduced a bill, to be entitled An act, supplementary to an act, to create the county of Panola.

Which was read a first time.

On motion, the rule of the House requiring bills to be read on three several days, was suspended.

The bill was then read a second time, and

On motion, referred to the select committee, just appointed.

Mr. Swift moved, that the vote of the House, ordering to be engrossed, a bill to be entitled An act, to provide for the assessment and collection of direct taxes, be reconsidered.

Which motion was lost.

On motion of Mr. Clark, the House proceeded to the

ORDERS OF THE DAY.

A bill to be entitled An act, to legalize the several seals, issued by the General Land Office; was taken up—together with the amendments thereto, made by the Senate.

Which amendments were read and concurred in.

A bill to be entitled An act, to raise a revenue, by direct taxation; was taken up—together with the amendments thereto, made by the Senate.

Which amendments were read and concurred in.

A Joint Resolution, declaring the exclusive right of soil, to Texas, within the limits thereof; was taken up—together with the amendments thereto, made by the Senate.

Which amendments were read and concurred in.

A bill to be entitled An act, regulating Juries; was taken

up—together with the amendments thereto, made by the Senate.

All of which amendments, excepting one, were concurred in.

A bill to be entitled An act, requiring the Governor to notify Chief Justices of the appointment of Notaries Public; was taken up

Read a third time and passed.

A bill to be entitled An act, to authorize the Commissioner of the General Land Office, to issue Patents to claimants, on surveys made in two or more counties, was taken up and

Read a first time.

A bill to be entitled An act, to authorize E. G. Rector, to transfer and sell his six hundred and forty acres of donation land; was taken up and

Read a first time

On motion, the rule of the House requiring bills to be read on three several days, was suspended.

The bill was then read a second time, and passed to a third reading.

A bill to be entitled An act, to legalize certain surveys made in Bexar county, by the Sureyor of Bastrop county; was taken up and

Read a first time.

On motion, the rule was suspended, and the bill was read a second time.

On further motion, the bill was referred to the committee on the Judiciary.

A bill to be entitled An act, to punish persons for selling by false weights, and for deceiving purchasers; was taken up and

Read a second time.

On motion of Mr. Eddy, they bill was laid upon the table.

A bill to be entitled An act, to punish purchasers of cotton and other produce, for falsely weighing the same; was taken up

Read a third time and rejected.

A bill to be entitled An act, supplementary to an act, to organize the Judicial Districts of the State; was taken up and

Read a second time.

On motion of Mr. Willie, the bill was referred to a Select Committee.

The Speaker appointed Messrs. Willie, Pease, Clark, Tankersly, and Russell, to compose said committee.

On motion of Mr. Brown, Mr. Edwards of Nacogdoches, was added to the committee.

On further motion, Mr. Sadler, was added to the committee.

Mr. Willie moved, that Mr. Boufland be added to said committee.

Mr. Gillett moved, that a bill to be entitled: An act, supplementary to an act, to organize the District Court, be taken up.

Which motion was carried.

On further motion, the bill was referred to the select committee, just appointed.

An amendment to the Constitution—"providing for reducing the salaries of Judges of the Supreme and District Courts; was taken up and

Read a second time.

On motion of Mr. Howard the amendment was referred to the committee on Finance.

An amendment to the Constitution; providing for the election of Judges and District Attorneys, by the people—was taken up and

Read a second time.

On motion, the amendment was referred to the committee on the Judiciary.

An amendment to the Constitution—providing for the election of District and Supreme Judges, by the people; was taken up and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill to be entitled An act, for the regulation of limited partnerships; was taken up

Read a third time and passed.

Mr. Willie, one of the committee on Internal Improvements, made the following report:

COMMITTEE ROOM }
April 23, 1846. }

To the Honorable the Speaker of the

House of Representatives :

The committee on Internal Improvements have duly and deliberately considered, An act, for the better protection of females, and instruct me to report, on behalf of the committee.

They view the abstract question—the chastity of females—as one deserving the highest regard; and each member of your committee, feels a lively interest in guarding well the fair fame of "God's last, best gift to man."

They deplore sincerely, that the tongue of the slanderer should ever violate the pure shrine of female virtue; and they regret, still more, that, in the present state of society, the

whole sex are not like Cæsar's wife—"above suspicion."

It may be well said of woman, that her only treasure is *spotless reputation*. Deprive her of *this gem* and she is "poor indeed." The slanderer of female fame, is not inferior in depravity, to him who coldly and deliberately, seduces a confiding woman—who, in the warmth of her impassioned devotion, "loves not wisely, but too well." The heart of woman, when the sacred light of an unsullied character is denied, becomes

"A dreary waste, without a sun,
For dire despair to feed upon."

The committee deeply sympathize with that peculiarly unfortunate class of females, against whom the imputation of a want of chastity, is *no slander*. It has been well said, or sung, that

"When lovely woman stoops to folly,
And finds too late, that men betray;
No charm can sooth her melancholy—
No art can wipe her tears away."

Your committee are sorry, that in this enlightened day, the character of woman is not held in as high esteem as in the age of *chivalry*, when the knight-errant was her protection. They are impressed with the belief, that public opinion governs, in this matter, as in most others affecting the morals of the community. They admit that it would be a high and meritorious act of Legislation, if a law could be enacted, which would effectually prevent the evil and secure the good, contemplated by the bill. But they are inclined to think, that no *modest woman* would desire to bring her character into Court and submit the question of her *chastity* to the investigation of a Judge and Jury. She would rather endure her wrongs, if she had no avenger, than to hold her name up to the ridicule and jest of the world. If there be any of the sex, however, who desire to avail themselves of legal remedy, and enter the list of forensic warfare, your committee believe, that there exists a sufficient remedy, at law already; and that the bill in question proposes no salutary amendment to the remedy.

They, therefore, recommend that the bill be laid on the table.

[Signed]

JA'S WILLIE,
One of the Committee.

Which report was read and adopted.

Mr. White moved, that one hundred copies of the report be printed, and placed in the hands of the Secretary of State, as

a literary work, to be exchanged with other countries, for works, of a like character.

Which motion was lost.

Mr. Howard introduced a bill, to be entitled An act, to amend an act, regulating proceedings of Probate Courts—approved sixteenth January, 1843.

Which was read a first time.

A bill to be entitled An act, to amend the seventeenth section of an act, incorporating the city of Galveston, was taken up and

Read a second time.

On motion, the bill was referred to the committee on State Affairs.

A bill to be entitled An act, requiring the Treasurer of Paschal county, to pay over all monies remaining in his hands after the abolishment of his office; was taken up and

Read a second time.

On motion, the bill was ordered to be engrossed.

A message was received from the Senate, informing the House of the adoption, by that body, of the House's substitute for a "Joint Resolution, instructing our Senators and requesting our Representatives, in the Congress of the United States, to procure the establishment of certain mail routes; and that they had concurred in the amendments of the House, to a bill, to be entitled An act, to provide for the appointment of Patrols, and to prescribe their duties and powers.

The House was also informed, that the Senate had passed the following bills:

A bill to be entitled An act, to require the counties of Polk and Tyler, to pay a portion of the debt of Liberty county—with amendments;

A bill to be entitled An act, requiring the Courts of the county of Tyler, to be held at Town Bluff, in said county—with amendments;

A bill to be entitled An act, to provide for closing the business of the late War and Marine Department—with amendments;

A bill to be entitled An act, to restore lands sold for taxes, and bid in by the Government, to the former owners;

A bill, to be entitled, "An act, requiring the County of Grimes, to pay a portion of the debt of Montgomery;

A bill to be entitled An act, requiring Juries, in certain criminal cases, to assess the fine to be imposed, or the punishment to be inflicted;

A Joint Resolution, granting the Honorable John Hemphill, Chief Justice of the Supreme Court, leave of absence from the State;

A Joint Resolution, prescribing the mode of notifying the Governor, when a bill, creating a private Corporation, has constitutionally passed both Houses of the Legislature;

A bill to be entitled An act, to provide for the organization of the counties of San Patricio and Nueces;

A bill to be entitled An act, requiring Clerks of the County Courts, Clerks of the District Courts, Sheriffs, County Treasurers and County Surveyors, or their lawful Deputies, to reside at the County Seat; and

A bill to be entitled An act, for the regulation of Wreck-Masters.

A Joint Resolution, for the formation of a new State, out of the Territory of the State; was taken up, and

Read a second time.

On motion of Mr. Irion, the bill was laid upon the table.

A bill to be entitled An act, providing how the counties formed out of Nacogdoches county, shall pay a portion of the debt of Nacogdoches county; was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill to be entitled An act, to suspend the Colonization Contracts for settling the Public Domain; and authorizing the Contractors to bring suits against the Government, for their premium lands; was taken up, and

Read a second time.

On motion of Mr. White, the bill was referred to the committee on the Judiciary.

A bill to be entitled An act, to provide for the appointment of Assessors and Collectors of taxes; was taken up, and

Read a second time.

On motion of Mr. Sadler, the bill was laid upon the table.

A bill to be entitled An act, for the relief of purchasers of Land Certificates; was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Public Lands.

A bill to be entitled An act, to provide for the election of Electors of President and Vice President of the United States; was taken up, and

Read a second time.

Mr. Clark proposed, to fill the first blank in the bill, with "ten days."

Which amendment was adopted.

Mr. Durham proposed, to fill the second blank with "forty days."

Which amendment was adopted.

Mr. Gilliam proposed to amend the bill, by inserting the word "transmit," after the word "deliver."

Which amendment was adopted.

Mr. Dupree proposed to fill the third blank in the bill, with the words "five hundred dollars."

Which amendment was rejected.

Mr. Durham moved, to fill the blank with the words "three hundred dollars."

Which amendment was adopted.

Mr. Clark proposed to fill the fourth blank in the bill, with the words "second Monday in December."

Which amendment was adopted.

Mr. Clark then moved, that the fifth blank in the bill, be filled with the words "first Monday in November."

On motion of Mr. Irion, the bill was referred to the committee on Privileges and Elections.

A bill, to be entitled, "An act, prescribing the duties of the Commissioners, appointed to locate the County Seat of Panola county; "was taken up, and

Read a 2d time.

Mr. McCown moved, that a call of the House be made.

Which motion was carried.

On motion of Mr. Clark, a further call of the House, was suspended.

Question—Shall the bill, now under consideration of the House, be engrossed?

The House decided in the affirmative.

A bill, to be entitled, "An act, to provide for marking the boundary lines of Anderson County; was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, to authorize the Comptroller of Public Accounts, to examine and settle the accounts of Hugh F. Hope; late Sheriff of Harrison County; was taken up and

Read a second time.

On motion the bill was ordered to be engrossed.

A bill, to be entitled, "An act, to provide for marking the

boundary lines, of the counties of Panola and Upshur;" was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, to make provision for Public Education;" was taken up, and

Read a third time.

Mr. Russell moved, that the vote of the House, adopting the report of the committee on Engrossed Bills, be reconsidered.

Which motion was carried.

The bill, under consideration of the House, was then recommitted to the committee on Engrossed Bills.

A bill, to be entitled, "An act requiring the county of Newton, to pay a portion of the debt of the county of Jasper;" was taken up,

Read a third time and passed.

A bill, to be entitled, "An act, to apportion the liabilities of Houston County, between said County and the County of Anderson; was taken up,

Read a third time and passed.

A bill, to be entitled, "An act, to provide for the erection of a Penitentiary, was taken up and

Read a second time, by its Caption.

On motion the bill was laid upon the table.

Mr. McFarland moved, that a Committee of Conference be appointed, to confer with a like committee on the part of the Senate, relative to a bill, to be entitled, "An act, to declare, What officers shall give Certificates of Election in Senatorial elections in Senatorial Districts, composed of more than one County."

Which motion was carried.

The Speaker appointed Messrs. McFarland, Bourland and Williams, to compose said committee.

A bill, to be entitled, "An act, defining the office and duties of Sheriffs;" was taken up, and

Read a second time.

Mr. Pease offered the following, as an amendment to the bill:

In the tenth Section, strike out all, after the word "do," and insert the words—"Shall be deemed guilty of a contempt of Court; and shall be fined, in a sum not exceeding ten dollars—to be recovered on motion of such Sheriff, or his Deputy, and proof of such neglect or refusal, before the Court from which process issued; three days notice, of such motion, being given to the party accused.

Mr. Miller proposed to amend the amendment, by striking out the word "ten," and inserting, in lieu thereof, the words, "twenty five."

Which amendment was rejected.

The amendment, proposed by Mr. Pease, was then adopted.

Mr. Echols offered to amend, by striking out the words, "fifty cents," and inserting, in lieu thereof, the words "forty cents."

The yeas and nays were called, on the adoption of Mr. Echols' amendment, and stood as follows:

Yeas—Messrs. Speaker, Brown, Burroughs, Charlton, Clark, Echols, Keenan, Miller, Noble, Patillo, Perry, Sadler, Truitt: 13.

Nays—Messrs. Adams, Barry Bourland, Cazneau, Cronican, Dickson, Dupree, Durham, Edwards of Nacogdoches, Gray, Gillett, Gilliam, Gooch, Holland, Howard, Irion, Jones, McClarty, McCown, McCulloch, McFarland, McNeill, Muckleroy, Pease, Perkins, Rayner, Redgate, Russell, Ryburn, Sayage, Stewart, Smith of Harris, Swift, Tankersly and White: 35.—

So the amendment was rejected.

Mr. Burroughs offered to amend, by striking out the word "County," and inserting the word "State," instead thereof.—

Which amendment was rejected.

Mr. Gillett proposed to amend by striking out the word "appoint," and inserting the words—"Shall order an election, to fill such unexpired term; and the Coroner of said County shall act as Sheriff, until said vacancy shall be filled."

Mr. Willie moved to strike out of the amendment, the "unexpired term."

Which motion was lost.

Mr. McNeill moved, to insert the words "Chief Justice shall order and strike out the words—"County Court shall appoint."

Which amendment was adopted.

Mr. Tankersly moved, that the bill be referred to the committee on the Judiciary.

Which motion was lost.

Mr. Gillett asked leave to withdraw his amendment.

Which request was granted.

Mr. Gillett then moved, that the bill be referred to a Select Committee.

Which motion was carried.

The Speaker appointed Messrs. Gillett, Tankersly, McNeill Burroughs and Muckleroy, to compose said committee.

A bill, to be entitled, "An act, to provide for closing the business of the late Department of War and Marine;" was taken up—together with the amendments of the Senate thereto.

The first and second of which amendments, were concurred in.

The yeas and nays were called, on a concurrence in the third amendment, and stood thus:

Yeas—Messrs. Speaker, Adams, Bourland, Cazneau, Cronican, Dupree, Durham, Edwards of Nacogdoches, Erath, Howard, Hudson, Irion, Jones, Keenan, Mabry, McClarty McCulloch, McNeill, Miller, Ogden, Perry, Rayner, Redgate, Ryburn, Sadler, Savage, Stevenson, Stewart, Swift, Tankersly, White, Williams, and Willie: 33.

Nays—Messrs. Barry, Brown, Burroughs, Charlton, Clark, Dickson, Echols, Gray, Gillett, Gilliam, Gooch, Holland, McCown, McFarland, Muckleroy, Mullins, Noble, Patillo, Pease, Perkins, Russell, Smith of Harris and Truitt: 23.

So the third amendment was also concurred in.

A bill, to be entitled, "An act, to provide for the organization of the counties of San Patricio and Nueces; was taken up and

Read a first time.

On motion, the rule of the House, requiring bills to be read on three several days, was suspended.

The bill was then read a second time, and passed to a third reading.

On motion, the rule was further suspended, and the bill.

Read a third time and passed.

A bill, to be entitled, "An act, requiring Clerks of the District Court, Clerks of the County Court, Sheriffs and County Surveyors, to keep their offices at the County seat; "was taken up and

Read a first time.

Mr. Stewart moved, that the rule of the House, requiring bills to be read on three several days, be suspended.

Which motion was lost.

A "Joint Resolution, prescribing the mode of notifying the Governor, when a bill, creating a private Corporation, has constitutionally passed both Houses of the Legislature; "was taken up and

Read a first time.

Mr. Russell, Chairman of the committee on Engrossed Bills, made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined a bill, to

be entitled, "An act, to make, provision for Public Education," and find the same correctly engrossed.

(Signed)

A. J. RUSSELL,
Chairman.

Which report was read and accepted.

Mr. Sadler moved, that the House adjourn, until to-morrow morning, 8 o'clock.

Which motion was lost.

On motion, of Mr. Pease, the House adjourned, until to-morrow, 9 o'clock, A. M.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, FRIDAY. }
April 24th, 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Bourland, Brown, Charlton, Clark, Cronican, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gillett, Gilliam, Gooch, Holland, Hudson, Irion, Jones, Mabry, McCown, McFarland, McNeill, Milican, Muckleroy, Mullins, Noble, Pattillo, Perry, Railey, Rayner, Russell, Ryburn, Sadler, Savage, Stevenson, Stuart, Smith of Harris, Smith of Rusk, Tankersly, Truitt, White and Williams.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Gray, chairman of the committee on the Judiciary, made the following report:

COMMITTEE ROOM, April 23d, 1846.

To the Honorable Speaker

of the House of Representatives:

The committee on the Judiciary have examined a bill, to be entitled, "an act, to extend the appropriation, for the payment of Minute-men—made February 5th, 1842;" and instruct me to report, that, on examining the laws on the subject, they find that, by a law, approved February 3d, 1844, the Minute-men were allowed to receive one half of the amount due in Ex-

chequer Bills, and the remainder in audited certificates. A majority of the committee think, that the appropriation ought not to be extended, so as to allow an unequal and unfair payment to different Minute-men. They instruct me to report the enclosed substitute for the bill, to be entitled, "an act, supplementary to the several acts, for the relief of Minute-men, created under an act, approved February 4th, 1841."

[Signed]

P. W. GRAY, *Chairman.*

Which report was read and adopted.

Mr. Gray, chairman of the committee on the Judiciary, also made the following report:

COMMITTEE ROOM, April 23d, 1846.

To the Honorable Speaker

of the House of Representatives:

The committee on the Judiciary have examined a bill, to be entitled, "an act, to require the Commissioner of the General Land Office, to issue Patents, in certain cases;" and, a majority of the committee, instruct me to report the annexed amendment, and to recommend its adoption.

Strike out in the fourth and fifth lines, the words—"to all persons legally entitled to the same on lands,"—and insert, in lieu thereof, the words—"and all valid certificates for lands."

[Signed]

P. W. GRAY, *Chairman.*

Which report was read, received, and the amendment adopted.

Mr. Clark, chairman of the committee on State Affairs, made the following report:

COMMITTEE ROOM, April 23d, 1846.

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on State Affairs, to whom was referred a bill, to be entitled, "an act, providing for the emancipation of minors," have considered the same; and have instructed me to report the bill back to the House, and to recommend its indefinite postponement.

[Signed]

E. CLARK, *Chairman.*

Which report was read and adopted.

Mr. Clark, chairman of the committee on State Affairs, also made the following report:

COMMITTEE ROOM, April 23d, 1846.

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on State Affairs, have examined and considered a bill—from the Senate, to be entitled, "an act, for the punishment of persons who shall write, print, publish or dis-

tribute, anything, having a tendency to produce discontent among the free colored population of this State, or insubordination among the slaves"—and have made the following amendments thereto:

In the first section of the bill, strike out all, after the word "jurisdiction," in the seventh line, and insert the words: "suffer death."

In the second section, strike out all, between the words "jurisdiction," in the fourteenth line, and "at," in the sixteenth line, and insert in lieu thereof; the words: "be fined or imprisoned, or both."

Strike out the entire third section of the bill.

With these amendments, they herewith return the bill, and ask the serious and attentive consideration of the House thereon. [Signed] E. CLARK, *Chairman*.

Which report was read, and laid upon the table, to come up with the orders of the day.

Mr. Holland, chairman of the committee on Public Lands, made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on Public Lands have had before them, a bill—originating in the Senate—to be entitled, "an act, to secure the right of volunteers, in the Naval service of Texas, to their bounty lands;" and have instructed me to report thereon: That they find said volunteers to be entitled to the lands given to them in said bill, by the pledges made by the Provisional Government of Texas, to "any volunteers joining the army or Navy;" by a public declaration, to that effect—a record of which, is to be found upon the 25th page of the "Journals of the Consultation."

Therefore, the committee recommend the passage of the bill.

COMMITTEE ROOM, }

April 24, 1846. }

S. HOLLAND,

Chairman.

Which report was read and adopted.

Mr. Pease moved that the vote of the House, just taken, on the adoption of the report made by Mr. Holland, be reconsidered.

Which motion was lost.

Mr. Gray, chairman of the committee on the Judiciary, made the following report:

COMMITTEE ROOM, April 23d, 1846.

To the Honorable Speaker

of the House of Representatives:

The committee on the Judiciary instruct me to return to the

House, the enclosed list of bills—relating to lands and land claims—on which they have not time to act, as the subjects require; and to recommend, that the bills be referred to some other committee:

A bill, to be entitled, “an act, to provide for the issuing of Patents to the assignees of all good and genuine Head-right certificates;”

A bill, to be entitled, “an act, describing the mode of obtaining and establishing Land certificates;”

A bill, to be entitled, “an act, concerning fraudulent Land certificates;”

A bill, to be entitled, “an act, to restrain Colonial Contractors from disposing of their premium lands;”

A bill, to be entitled, “an act, to authorize the Commissioner of the General Land Office, to issue Patents upon unconditional Land certificates;” and

A bill, to be entitled, “an act, to define and protect the rights of those persons—citizens of Texas—who died in Texas, previous to the 17th March, 1836.”

[Signed] P. W. GRAY, *Chairman.*

Which report was read and adopted.

Mr. Erath moved that the bills just reported, be referred to a Select committee.

Which motion was carried.

The Speaker appointed Messrs. Erath, Burroughs, Smith of Harris, Truitt and Perkins, to compose said committee.

Mr. Russell, chairman of the committee on Engrossed Bills, made the following report:

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The committee on Engrossed Bills have examined a bill, to be entitled, “an act, to incorporate the city of Austin,” and find the same correctly engrossed.

[Signed] A. J. RUSSELL, *Chairman.*

Which report was read and accepted.

Mr. Pease made the following report:

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The Select committee, to whom was referred a bill, to be entitled, “an act, supplementary to an act, creating the county of Panola,” have considered the same; and, supposing that the interest and convenience of the majority of the citizens of said county, would be subserved by its adoption, they herewith re-

port the same back to the House, and recommend its passage.

[Signed] E. M. PEASE, *Chairman.*

Which report was read and received, and the bill laid upon the table, to come up with the orders of the day.

Mr. Bourland moved, that the bill, just reported back to the House, be taken up,

Which motion was carried.

The bill was then read a second time.

On motion, the rule of the House, requiring bills to be read on three several days, was suspended.

The bill was then read a third time, and passed.

Mr. Pease, Chairman of a Select Committee, made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives.

The Select Committee, to whom was referred a bill, to be entitled: "An act, to incorporate the several counties of this State—which now exist, or which may, hereafter be established;" have considered the same, and, believing that no objections can be made to the passage of the bill; and that much good will be effected by it—they have instructed me to report the same back to the House, and to recommend its passage.

All of which is respectfully submitted.

(Signed)

E. M. PEASE,
Chairman.

Which report was read and received, and the bill laid upon the table, to come up among the orders of the day.

Mr. McNeill made the following report:

COMMITTEE ROOM, APRIL 24, 1846

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The Select Committee, to whom was referred a bill, to be entitled, "an act, to provide for raising a Jury Fund—"have had the same under consideration, and instruct me to report, that they consider it important that such a law should be passed, as will insure the punctual payment of Jurors. But understanding, that the sense of the House is opposed to the payment of a jury fee in advance of the commencement or institution of suits in the District Courts—they have amended the bill, so as to make the *jury fee* payable and collectable; as other costs in suits at law.

With which amendments, the passage of the bill is respectfully recommended.

[Signed]

A. McNEILL, *Chairman.*

Which report was read and received, and the bill laid upon the table, to come up with the orders of the day.

Mr. McNeill also made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The Select Committee, to whom was referred a bill, to be entitled, "an act, establishing fees of office," have had the same under consideration; and have instructed me to report a substitute for said bill—which contains the amendments made by the committee—and they would respectfully recommend its passage.

[Signed]

A. McNEILL,

Chairman.

Which report was read and received, and the bill and substitute laid upon the table, to come up in their regular order.

Mr. Keenan, Chairman of the committee on Education, made the following report:

COMMITTEE ROOM, APRIL 24, 1846.

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

Your committee, to whom was referred a "Joint Resolution, for the relief of J. W. Dallam," have considered the same, and instruct me to report—That under all the circumstances they believe the relief asked for, in the Resolution, should not be granted

The course adopted and pursued, by this House, at its present session, has been, to withhold appropriations, in all cases, where the benefit was to extend to individuals only. The literary labors of citizens of the State, should be encouraged and rewarded, where it can be done consistently; but to make appropriations for that purpose, when the same is denied to honest creditors of the Government, would be an act of injustice in this Legislature. The Author of the "Digest" has the benefits of the Copy-right secured to him by law; and if the work be one of merit, the demand for it, at the price for which it is now sold, will not only ensure him against loss, but will remunerate him amply for the labor expended upon it.

For these reasons, your committee would respectfully report the Resolution back to the House, and ask to be discharged from the further consideration of it.

Signed)

C. G. KEENAN,

Chairman.

Which report was read and received, and the Resolution laid upon the table, to come up in its regular order.

Mr. Burroughs, Chairman of the committee on Enrolled Bills made the following report:

*To the Honorable Wm .E. Crump,
Speaker of the House of Representatives:*

The committee on Enrolled Bills, have examined the following bills, and find the same correctly enrolled:

An act, supplementary to an act, authorizing the election of Representatives to the Congress of the United States;"

"An act, creating the county of Navarro;"

"An act, to establish and incorporate the City of Corpus Christi;" and

"An act, to provide for fixing the County Seat of Justice, of the county of Grimes."

Said bills, having been signed by the Speaker of the House of Representatives and the President, *pro tem*, of the Senate, were, this day, presented to his Excellency, the Governor, for his approval.

(Signed) J. M. BURROUGHS, *Chairman.*

Which report was read and accepted.

Mr. Cooke introduced a bill, to be entitled, "an act, requiring the county of Dallas. to pay a portion of the debt of Robertson;"

Which was read a first time.

Mr. Ryburn introduced the following Resolution:

"*Resolved* That the committee on Education be instructed to enquire into the expediency of so amending the Constitution as to provide for the immediate disposition of such lands as may have been appropriated, by the late Republic of Texas, for Educational purposes; and if said committee shall be of the opinion, that the interests of the community would be advanced by the disposition of said lands; then, the said committee, report an amendment to the Constitution—to provide for the lands, so appropriated, for Seminary and School purposes, to be disposed of otherwise than for a term of years."

Which Resolution was read and adopted.

On motion, the House proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled, "an act, for the regulation of Wreck Masters;" was taken up, and

Read a second time.

On motion, the bill was passed to a third reading.

A Joint Resolution, authorizing E. G. Rector, to dispose of his 640 acres of Donation Land, for participating in the battle of San Jacinto;" was taken up,

Read a third time and passed.

A bill, to be entitled, "an act, to make provision for Public Education;" was taken up,

Read a third time and passed.

Mr White moved, that a bill, to be entitled, "an act, for the payment of Minute-men," be taken up,

Which motion was carried.

The bill was then read a second time, and passed to a third reading.

On motion, the rule of the House, requiring bills to be read on three several days, was suspended.

The bill was then read a third time and passed.

A bill, to be entitled, "an act, to require Clerks of County and District Courts, County Surveyors, County Treasurers and Sheriffs, to reside, permanently at the County Seat;" was taken up, and

Read a second time.

Mr. Bourland proposed, to amend the bill, by striking out all between the word "to," in the fourth line, of the first section, and the word "at," in the 5th line, and inserting, in lieu thereof, the words—"keep their offices."

On motion of Mr. Brown, the bill was referred to the committee on State Affairs.

A bill, to be entitled, "an act, requiring the Commissioner of the General Land Office, to issue Patents to claimants—on surveys in two or more counties;" was taken up, and

Read a second time.

On motion, the bill was passed to a third reading.

A bill, to be entitled "an act, prescribing the mode of notifying the Governor, when a bill, creating a private corporation, has passed both Houses of the Legislature, by a constitutional majority;" was taken up, and

Read a second time

On motion, the bill was passed to a third reading.

A message was received from the Senate, informing the House of the reconsideration of the vote of that body, adopting the amendments, of the House, to a bill, to be entitled, "an act, to provide for the establishment of Patrols;" and that they had appointed a committee of Conference thereon—consisting of Messrs. Phillips and Jewett—and requesting the House to appoint a like committee.

The House was also informed that the Senate had passed the following bills.

A bill, to be entitled, "an act, to establish the county of Cass;" with amendments.

A bill, to be entitled, 'an act, to provide for the transfer of administrations, from old to new counties"—with amendments;

A bill, to be entitled, "an act, to provide for revising, digesting and arranging the laws—civil and criminal—with amendments;

A bill, to be entitled, "an act, to legalize the acts of Chief Justices, and associate Justices, and courts of County Commissioners—whilst sitting as Boards of Land Commissioners;" and

A bill, to be entitled, "an act, to provide for the registration of the separate property of married women"—with amendments,

The House was also informed, that the Senate had rejected a bill, to be entitled, "an act, for the protection of widows and orphans."

A bill, to be entitled, "an act, to amend an act, regulating Probate Courts—approved, the 16th day of January, 1843;" was taken up, and

Read a second time.

On motion the bill was referred to the committee on the Judiciary.

On motion of Mr. McNeill, a bill, to be entitled, "an act, concerning Limitations," was taken up,

Mr. Burroughs moved, that the bill be referred to a Select committee.

Which motion was carried.

The Speaker appointed Messrs. Burroughs, Brown, McFarland, Milican and Eddy, to compose said committee.

Mr. McCown introduced the following Resolution:

Resolved, That the different committees are, hereby, required to report back to the House all bills, Petitions &c., upon which they are unable, from the want of time, and other cause, to report.

Which report was read and adopted.

Mr. Echols moved, that Mr. Brown, be added to the Select Committee, to whom was referred the Appropriation Bill.

Which motion was carried.

A bill to be entitled, "an act, providing for the Digesting and arranging the laws—civil and criminal;" was taken up; together with the amendments, made by the Senate.

Which amendments were read and concurred in.

A bill, to be entitled, "an act, to provide, for the transfer of Administrations, from old to new counties," was taken up; together with the amendments thereto, made by the Senate.

Which amendments the House refused to concur in,

Mr. McNeill moved, that the vote of the House, concurring in the amendments of the Senate to a bill, to be entitled, "an act, providing for Digesting and arranging the laws—civil and criminal"—be reconsidered.

Which motion was carried.

The sense of the House was again taken—on a concurrence in the amendments—and they were concurred in.

A bill, to be entitled, "an act, to provide for the registration of the separate property of married women," was taken up—together with the amendments thereto, made by the Senate.

Which amendments were read and concurred in.

A bill, to be entitled, "an act, to establish the county of Cass," was taken up—together with the amendments, thereto, made by the Senate.

Which amendments were read and concurred in.

Mr. Gray, Chairman of the committee on the Judiciary, by leave, made a report, upon a bill, to be entitled, "an act, to organize, the District Courts of this State.

Which report was read and adopted.

[This report was not transcribed into the Journal, and, the original cannot be found; consequently, a copy cannot be furnished for publication.]

Mr. Dupree moved, that the House adjourn, until to-morrow morning, eight o'clock.

Which motion was lost.

A bill, to be entitled, "an act, requiring the Commissioner of the General Land Office, to issue Patents upon unconditional Head Right Certificates of Land;" was taken up,

Read a third time and passed.

A "Joint Resolution, for the relief of Charles B. Snow;" was taken up—on its third reading.

On motion of Mr. Irion, the Resolution was laid upon the table, until to-morrow ten o'clock, A. M.

The Resolution, offered on a previous day, relative to the reference of bills—after a certain time; was taken up, and

On motion laid upon the table.

A bill, to be entitled, "an act, to organize the District Courts, and to define their powers and Jurisdiction;" was taken up,

Read a third time and passed.

A bill, to be entitled, "an act, to authorize Thomas Cox, to liberate certain slaves, therein maintained;" was taken up, and

Read a second time.

On motion of Mr. Clark, the bill was laid upon the table, until Thursday next.

A bill, to be entitled, "an act, to locate the Seat of Justice of Leon county;" was taken up, and

Read a second time.

On motion the bill was ordered to be engrossed.

A bill, to be entitled, "an act, to require the county of Newton to pay a portion of the debt of Jasper, county;" was taken up—together with the amendments thereto made by the Senate.

Which amendments were read and concurred in.

On motion of Mr. McNeill, the bill, to be entitled, "an act, establishing the fees of office;" was taken up, and

Read a second time.

Mr. Perkins moved that *that* portion of the bill, relative to Patents, be stricken out.

Mr. Edwards moved, that the bill be referred to the committee on State Affairs.

Which motion was lost.

On motion of Mr. McCown, the House adjourned, until tomorrow morning, nine o'clock.

HOUSE OF REPRESENTATIVES,

CITY OF AUSTIN, SATURDAY,

April 25th, 1846.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Bourland, Brown, Burroughs, Cazneau, Charlton, Clark, Cronican, Dickson, Dupree, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Holland, McClarty, McCown, McCulloch, McFarland, McNeill, Milican, Muckleroy, Mullins, Noble, Pattillo, Pease, Perkins, Perry, Railey, Rayner,

Russell, Sadler, Savage, Smith of Harris, Smith of Rusk, Swift and Tankersly,

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Gray, chairman of the committee on the Judiciary, made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on the Judiciary, have had under consideration a bill, to be entitled, "An act, to provide for the summary recovery of real property;" and, having made sundry amendments thereto, they instruct me to recommend the adoption of said amendments, and the passage of the bill.

The following are the amendments proposed:

1st. Change the title of the bill, so as to read—"An act, to regulate proceedings, in cases of *Forcible Entry* and *Detainer*."

The balance of the amendments are annexed to the bill.

[Signed]

P. W. GRAY,
Chairman.

Which report was read and received, and laid upon the table, to come up with the orders of the day.

Mr. Gray, chairman of the committee on the Judiciary, also made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on the Judiciary have considered a bill, to be entitled, "An act, to regulate the License and practice of Attorneys and Counsellors at Law;" and, having made several amendments thereto, instruct me to recommend the adoption of said amendments and the passage of the bill.

[Signed]

P. W. GRAY,
Chairman.

Which report was read and received, and laid upon the table, to come up with the orders of the day.

Mr. Willie, chairman of the Select Committee, to whom was referred the memorial of Charles B. Snow, reported thereupon as follows:

April 24th, 1846.

To the Honorable Speaker

of the House of Representatives:

The Select Committee, to whom was referred the memorial of Charles B. Snow, ask leave to report:

That they have given the subject their serious consideration. They find the claim of Lieut. Snow, different in its character, from any other which has been presented to the Legislature: the memorialist was long in the service of the country, and sustained a high character, for gallantry and honorable deportment. For his services, he was so unfortunate as not to receive, even the partial compensation which fell to the share of his companions of the Navy.

The late Republic of Texas was, constantly, in arrear to this branch of our Public Defence; and the Congress of the Republic, in order to compensate, partially, the officers and seamen in the Naval service, passed on the 5th of February 1844, "An act, making appropriation, for part pay of the officers and seamen of the Navy;" by which act, sixteen thousand dollars was set apart for that purpose. The memorialist did not receive any part of this appropriation—in consequence of the refusal, of the Secretary of War and Marine, to approve his account.

This, your committee conceive to have been an act of injustice, towards that officer. The late Congress, in view of the wrongs which had been suffered by the memorialist, passed, at their last regular session, a Resolution for his relief; which did not become a law—not having been signed by the Executive, and having been presented to him too late to go into effect, by the lapse of time. At the Extra Session of the last Congress, a similar Resolution passed; but did not become a law, for the same reason.

All these circumstances show that the claim of Lieutenant Snow, is truly meritorious, and deserves to be treated as such.

Your committee are aware of the embarrassed condition of our Finances; and of the determination of the Legislature, to sustain the Government, by most rigid economy. Great opposition has been manifested, to any action upon private claims; and, were not the present case one of peculiar hardship, they would recommend it to the same course, which is proposed to all others. But the case of Lieut. Snow is not any ordinary one.

An appropriation was made, for *his* as well as for the benefit of other officers and men connected with the Navy.—He has been deprived of the small share which justly belonged to him; and simply asks of the Legislature, the same treatment which others, in his situation, received.

The committee recommend to the favorable consideration of the House, a Resolution, which proposes to require the claim

of the memorialist, to be audited—without making any appropriation for its payment. This will not draw from the Treasury a single dollar; and being receivable for taxes, already due, will afford to a poor and meritorious officer, a partial relief; which will not be felt by the State.

Mr. McFarland, one of the committee, dissents from this report; upon the ground of the inexpediency of passing any private relief bill—but concurs with the committee, in acknowledging the merit of the claim.

All of which, is respectfully submitted.

[Signed]

JA'S WILLIE,
Chairman.

Which report was read and received, and laid upon the table, to come up among the orders of the day.

Mr. Erath, chairman of a Select Committee, made the following report:

*To the Honorable Speaker
of the House of Representatives:*

The Select Committee, to whom was referred a bill, to be entitled, "An act, requiring the Commissioner of the General Land Office to issue patents upon unconditional certificates for Head-rights," have had the same under consideration; and have instructed me to report the bill back to the House, and to recommend its passage.

[Signed]

GEO. B. ERATH,
Chairman.

Which report was read and received, and laid upon the table, to come up with the orders of the day.

Mr. Gray moved that the vote of the House, which adopted the Journal of yesterday, be reconsidered.

Which motion was carried.

Mr. Willie, one of the committee on Engrossed Bills, made the following report:

*To the Honorable Speaker
of the House of Representatives:*

The committee on Engrossed Bills, have examined the following bills, and find the same correctly engrossed:

A bill, to be entitled, "An act, providing how the new counties made by this Legislature, out of the territory of Nacogdoches, shall pay their proportions of debt due by said county of Nacogdoches;"

A bill, to be entitled, "An act, prescribing the duties and

powers, of the Commissioners appointed to locate the County Seats of Panola and Upshur counties;"

A bill, to be entitled, "An act, to incorporate the La Grange Female Institute;"

A bill, to be entitled, "An act, to authorize the Comptroller of Public Accounts, to examine and settle the accounts of Hugh S. Hope—late Sheriff, of Harrison County;"

A bill, to be entitled, "An act, requiring the County Treasurer of Paschal county, to pay over all monies, remaining in his hands, on the abolishment of his office, as County Treasurer of said county;"

A bill, to be entitled, "An act, to provide for running and marking the boundary lines, of the counties of Panola and Upshur;" and

A bill, to be entitled, "An act, to provide for marking the boundary lines of Anderson county.

[Signed]

J. WILLIE,

One of the Committee.

Which report was read and accepted.

Mr. Stewart introduced a bill, to be entitled, "An act, to provide for the loss of Field-notes of Surveys."

Which was read a first time.

Mr. Stewart also introduced a bill, to be entitled, "An act, making valid all Patents, granted in the names of deceased persons."

Which was read a first time.

On motion, the House proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled, "An act, to organize the District Courts;" was taken up, and

Read a second time.

On motion, the bill passed to a third reading.

On motion of Mr. Gray, the Engrossing Clerk was instructed to engross the amendments to said bill, made by the committee on the Judiciary.

A message was received from the Senate, informing the House of the appointment of Messrs. Parker, Phillips, Brashers and Grimes, as a committee to act on the appropriation Bill, in conjunction with a like Committee on the part of the House—in compliance with a request, embodied in a resolution of the House.

The House was also informed, that the Senate had recessed

from their fifth amendment to the bill, to be entitled, "An act, regulating Juries.

Also, that they had passed the following bills:

A bill, to be entitled, "An act, requiring the county of Titus, to pay a portion of the debt of the county of Red River;"

A bill, to be entitled, "An act, regulating appeals to the Supreme Court, in criminal cases,"—with amendments;

A bill, to be entitled, "An act, establishing a State Penitentiary;"

A bill, to be entitled, "An act, to create the county of Titus."

A bill, to be entitled, "An act, to provide for raising a Jury Fund;" was taken up—together with the amendments, thereto, made by the Select Committee, to whom said bill was referred.

Which amendments were read and adopted.

Question—Shall the bill, now under consideration of the House, be passed to a third reading?

The yeas and nays were called thereon, and stood as follows:

Yeas—Messrs. Speaker, Brown, Charlton, Clark, Cooke, Cronican, Dickson, Edwards of San Augustine, Eddy, Erath, Gooch, Jones, Mabry, McClarty, McCown, McNeill, Muckle-roy, Noble, Pease, Perkins, Perry, Railey, Rayner, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly and White—33.

Nays—Messrs. Adams, Barry, Cazneau, Dupree, Echols, Gillett, Gilliam, Irion, McFarland, Milican, Redgate, Russell and Willie—13.

So the bill was passed to a third reading.

Mr. McFarland, chairman, (on the part of the House,) of a Joint Select Committee, made the following report:

COMMITTEE ROOM, }
April 25th, 1846. }

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The committee of conference, appointed to take into consideration a bill, to be entitled, "An act, to declare, what officers shall give certificates of election, in senatorial elections—in Districts composed of more than one county"—have had the same under consideration; and have instructed me to report:

1st. That the Senate recede from its amendment—proposing to strike out the word “Bowie,” and to insert the word “Red River,” in lieu thereof.

2d. That the House concur in the Senate’s amendment—proposing to strike out the word “Goliad” and to insert the word “Refugio,” in its stead.

The committee could not agree, in relation to the amendment of the Senate—proposing to strike out the word “Lamar,” and to insert in lieu thereof, the word “Fannin.”

They recommend the appointment of another committee, and ask to be discharged from the further consideration of the subject.

[Signed]	{	A. H. PHILIPS,
		<i>Chairman, on part of the Senate.</i>
		SAM. McFARLAND,
		<i>Chairman, on part of the House.</i>

Which report was read and received, and laid upon the table, to come up with the orders of the day.

Mr. Willie made the following report:

*To the Honorable Speaker
of the House of Representatives:*

The Joint Committee of conference, upon a bill, to be entitled, “An act, to authorize Chief Justices, elected on the first Monday in February last, to continue in office until their successors are elected,” have conferred together; and recommend that the Senate recede from its amendments to the bill.

[Signed]	{	J. WILLIE,
		<i>Chairman, on the part of the House.</i>
		JESSE GRIMES,
		<i>Chairman, on the part of the Senate.</i>

Which report was read and adopted.

Mr. Russell, Chairman of the committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, }
April 24th, 1846. }

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The committee on Engrossed Bills, have examined the following bills, and find the same correctly engrossed:

A bill, to be entitled, “An act, to authorize the opening and construction of a Turnpike Road—from the city of Houston to the town of Brenham;”

A bill, to be entitled, "An act, to authorize the Governor, to procure and have copied, for the benefit of the several counties of the State, a full set of weights and measures—in conformity to the Standard now used and adopted by the government of the United States—and providing for the distribution of the same;"

A bill, to be entitled, "An act, incorporating the town of New Braunfels;" and

A bill, to be entitled, "An act, to create the county of Panola."

[Signed]

A. J. RUSSELL,
Chairman.

Which report was read and accepted.

A "Joint resolution, prescribing the mode of notifying the Governor, when a bill has passed—by a constitutional majority—both Houses of the Legislature;" was taken up,

Read a third time and passed.

A bill, to be entitled, "An act, for the regulation of Wreck-Masters; was taken up,

Read a third time and passed.

A bill, to be entitled, "An act, authorizing the Commissioner of the General Land Office, to issue Patents to claimants, on lands lying in two or more counties;" was taken up, and

Read a third time.

Mr. Stewart offered the following, as an additional section to the bill:

"If two or more persons having lands in conflict, compromise, and agree to remove parts of their claims to the same; it shall be lawful for each party to have the lands he takes resurveyed, and the remainder of his claims surveyed elsewhere; and the Commissioner of the General Land Office shall issue Patents, to the several parties, for said lands, as in other cases.

On motion of Mr. Bourland, the bill was laid upon the table.

Mr. Russell introduced the following resolution:

"*Resolved*, That it shall be the standing rule of this House—that any member, offering an amendment to a bill or resolution, shall specify, upon the face of the amendment, the *precise place*, in which it is intended to be inserted."

Which resolution was read and adopted.

Mr. Eddy introduced a bill, to be entitled, "An act, authorizing the Governor, to open the election returns—in the first Congressional District of the State—and give a certificate of Election;"

Which was read a first time.

A bill, to be entitled, "An act, prescribing the duties and powers, of the Commissioners, appointed to locate the county seats of Panola and Upshur counties; was taken up,

Read a third time and passed.

A message was received from the Senate, informing the House of the concurrence of that body, in the amendments, made by the House, to a bill, to be entitled, "An act, defining the mode of conveying property, in which the wife has a separate interest."

The House was also informed, that the Senate had suspended all rules, and passed a substitute for a bill, to be entitled, "An act, supplementary to an act, creating the county of Panola;" and had passed a bill, to be entitled, "An act, organizing County Courts,"—with amendments.

A bill, to be entitled, "An act, authorizing the Comptroller of Public accounts, to examine and settle the accounts of Hugh S. Hope—late Sheriff of Harrison county,"—was taken up,

Read a third time and passed.

A bill to be entitled an act, requiring the County Treasurer of Paschal county; to pay over the monies, remaining in his hands, after the abolishment of his office;" was taken up,

Read a third time and passed.

A bill, to be entitled, "An act, to provide for running and marking the boundary lines of Anderson county;" was taken up,

Read a third time and passed.

A bill, to be entitled, "An act, to provide for running and marking the boundary lines of the counties of Panola and Upshur;" was taken up,

Read a third time and passed.

A bill, to be entitled, "An act, providing, *how* the counties, formed out of the territory of Nacogdoches county, shall pay a portion of the debt, due by said county of Nacogdoches;" was taken up,

Read a third time and passed.

A bill, to be entitled, "An act, to authorize the Governor, to procure a full set of weights and measures, for the use of the State; and provide for the distribution of the same;" was taken up,

Read a third time and passed.

A bill, to be entitled, "an act, to authorize the opening and construction of a Turnpike Road, from the city of Houston to the town of Brenham;" was taken up, and

Read a third time.

The yeas and nays was called, on the final passage of the bill, and stood as follows:

Yeas.—Messrs. Speaker, Adams, Barry, Bourland, Brown, Cazneau, Clark, Cronican, Dupree, Durham, Echols, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Howard, Irion, Mabry, McClarty, McCown, McFarland, Muckleroy, Ogden, Pattillo, Perry, Rayner, Redgate, Sadler, Stewart Smith of Harris, Smith of Rusk, Tankersly, Truitt, White and Willie:—38.

Nays.—Messrs. Dickson, McNeill, Milican, Pease, Perkins, Russell, Ryburn and Swift:—8.

So the bill was passed.

A bill, to be entitled, "an act, to incorporate the La Grange Female Institute," was taken up, and

Read a third time.

The yeas and nays were called, on the final passage of the bill, and stood as follows:

Yeas—Messrs. Speaker, Adams, Barry, Brown, Cazneau, Clark, Dickson, Dupree, Echols, Eddy, Erath, Gillett, Gilliam, Gooch, Howard, Irion, Keenan, Mabry, McClarty, McCown, McFarland, McNeill, Milican, Muckleroy, Mullins, Noble, Ogden, Pattillo, Perkins, Perry, Rayner, Redgate, Smith of Harris, Smith, of Rusk, Sadler, Savage, Swift, Tankersly, Truitt, White, and Willie:—43.

Nays.—Messrs. Charlton, Pease, and Russell:—3.

So the bill was passed.

A bill, to be entitled, "An act, incorporating the city of New Braunfels;" was taken up,

Read a third time and passed.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report:

*To the Honorable Speaker of the
House of Representatives:*

The committee on Enrolled Bills, have examined the following bills, &c. and find the same correctly enrolled:

"An act, to establish the county of Cass;"

"An act, to restore lands, sold for taxes and bid in by the Government, to their former owners;"

"An act, to require the county of Grimes, to pay a portion of the debt of Montgomery county;"

"An act, for the relief of James Gilliam, assignee of Jesse Billingsly;"

"An act, requiring Juries, in certain criminal cases, to as-

sess the fine to be imposed, or punishment to be inflicted;"

"An act, creating the county of Henderson;"

"An act, to apportion, in part the Public Debt of Fannin county, between the new counties within the former limits of the same;"

"An act, to organize the county of Upshur;"

"An act, transferring a portion of the liabilities of Milam county, to the county of Burleson;"

A "Joint Resolution, for disposing of a portion of the Public Buildings, in the city of Austin;" and.

A "Joint Resolution granting the Hon. John Hemphill, Chief Justice of the Supreme Court, leave of absence from the State."

Said bills and Joint resolutions, having been signed by the Speaker of the House of Representatives and the President *pro tem.*, of the Senate, were, this day, presented to his Excellency, the Governor, for his approval.

[Signed]

JAS. M. BURROUGHS,

Chairman.

Which report was read and accepted.

A bill, to be entitled, "An act, to secure the rights of Volunteers, in the Naval service of Texas, to their Bounty Lands; "was taken up, and

Read a second time.

Mr. Sadler moved, that the bill be passed to a third reading.

Mr. Stevenson proposed, to amend the bill, by inserting after the word "discharge" in the sixth line, the words, "and those who furnished money, or assistance, up to the present date."

Mr Russell, moved, that the bill be laid upon the table, until Monday 11 o'clock.

Which motion was lost.

Mr. Keenan moved, that the bill and amendment be referred to the committee on Claims and Accounts.

Which motion was lost.

The question then recurred, on the adoption of the amendment proposed by Mr. Stevenson.

The yeas and nays being called thereon, stood as follows:

Yeas—Messrs. Barry, Burroughs, Noble, Rayner and Stevenson—5.

Nays—Messrs. Speaker, Adams, Bourland, Brown, Cazneau, Charlton, Clark, Cooke, Cronican, Dickson, Dupree, Echols, Edwards of San Augustine, Eddy, Erath, Gray, Gillet, Gilliam,

Gooch, Howard, Keenan, Mabry, McClarty, McCown, McFarland, McNeill, Milican, Muckleroy, Ogden, Paltillo, Pease, Perkins, Perry, Railey, Redgate, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Tankersly, Truitt, White, and Willie—48.

So the amendment was rejected.

Mr. Stevenson then moved, that the bill be laid upon the table.

The yeas and nays being called thereon, stood as follows:

Yeas—Messrs. Barry, Burroughs, Charlton, Dickson, Echols, Edwards of San Augustine, Keenan, McNeill, Muckleroy, Noble, Pattillo, Pease, Perkins, Perry, Rayner, Redgate, Russell, Stevenson, Truitt and White—20.

Nays—Messrs. Adams, Bourland, Brown, Cazneau, Clark, Cooke, Cronican, Dupree, Eddy, Erath, Gray, Gillet, Gooch, Howard, Irion, Mabry, McCown, McFarland, Milican, Ogden, Railey Ryburn, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Tankersly, and Willie—32.

So the motion, to lay the bill upon the table, was lost.

Mr. Howard offered the following as an additional section to the bill:

Provided, That no one, but the original claimant, or his heirs, shall be entitled, to the benefit of this act."

Mr. Tankersly proposed, to amend the amendment as follows:

Provided, also, That the provisions of this act, shall not extend to any other person, than those who were accepted and received, by the Government, as Volunteers in the Navy of Texas.

Which amendment was adopted.

The sense of the House was then taken, on the adoption of Mr. Howard's amendment; as amended by Mr. Tankersly; and

The amendment was adopted.

Mr. Burroughs, moved, that House adjourn until 3 o'clock, P. M.

Which motion was lost.

Mr. Erath moved, that the sense of the House be taken on the previous question.

Which motion was carried.

Question—Shall the bill, now under consideration of the House, be passed to a third reading?

The Yeas and nays were called thereon, and stood as follows:

Yeas—Messrs. Speaker, Adams, Bourland, Brown, Cazneau,

Clark, Cooke, Cronican, Dupree, Eddy, Erath, Gillett, Gooch, Howard, Irion, Mabry, McClarty, McCown, McFarland, Ogden, Perkins, Perry Rayner, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, and Willie:—32.

Nays—Messrs. Barry, Burroughs, Charlton, Dickson, Echols, Edwards of San Augustine, Gray, Keenan, McNeill, Milican, Noble, Pattillo, Pease, Railey, Redgate, Stevenson, Truitt, and White—17.

So the bill was passed to a third reading.

A bill, to be entitled, "An act, to punish any person, who shall write, print, or distribute anything, having a tendency to produce insubordination, among the colored population of the State;" was taken up—together with the amendments thereto, made by the committee on State Affairs.

Which amendments were read, and the first and second of them adopted.

Mr. Tankersly moved that the word, "imprisonment," be stricken out.

Which motion was lost.

Mr. Howard moved, that the words. "Bench and Bar," be stricken out.

The yeas and nays were called, thereon and stood as follows:

Yeas—Messrs. Bourland, Burroughs, Cazneau, Gooch, Howard, McClarty, Noble, Pattillo, Pease, Perkins, Perry, Redgate, Russell and Tankersly—15.

Nays—Messrs. Speaker, Adams, Barry, Brown, Charlton, Clark, Cooke, Cronican, Dickson, Dupree, Echols, Edwards of San Augustine, Eddy, Irion, Keenan, McCown, McFarland, McNeill, Milican, Muckleroy, Railey, Rayner, Ryburn, Sadler, Savage, Smith of Harris, Smith of Rusk, Truitt, White and Willie—29.

So the motion was lost.

Question—Shall the amendment proposed by the committee on State Affairs, to the bill now under consideration of the House, be adopted?

The House decided in the affirmative.

The sense of the House was then taken, on passing the bill to a third reading.

The yeas and nays being called, stood as follows:

Yeas—Messrs. Charlton, Cronican, Sadler, Smith of Rusk and Willie—5.

Nays—Messrs. Speaker, Adams, Barry, Bourland, Brown, Cazneau, Clark, Cooke, Dickson, Dupree, Echols, Erath, Gray,

Gooch, Howard, Irion Keenan, McClarty McCown, McNeill, McFarland, Milican, Muckleroy, Noble, Pattillo, Pease, Perkins, Perry, Railey, Rayner, Redgate, Russell, Ryburn, Savage, Smith of Harris, Swift, Tankersly, Truitt and White—39.

So the House refused to pass the bill to a third reading.

Mr. Gray, Chairman, of the committee on the Judiciary, asked leave to make a report.

Mr. Dupree moved, that the House adjourn, until Monday morning nine o'clock.

Which motion was lost.

On motion of Mr. Pease, the House adjourned, until three o'clock, P. M.

THREE O'CLOCK,

The House met pursuant to adjournment.

The roll was called and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Bourland, Brown, Burroughs, Charlton, Clark, Cronican, Dickson, Dupree, Echols Edwards, of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Holland, McClarty, McCown, McFarland, McNeill, Milican, Muckleroy, Mullins, Noble, Pattillo, Pease, Perkins, Perry, Railey, Rayner, Russell, Sadler, Smith of Harris, Smith of Rusk, Swift and Tankersly.

A quorum not being present,

Mr. Echols moved, that the House adjourn, until Monday morning, nine o'clock.

Which motion was lost.

On motion of Mr. Stewart, the house adjourned, until Monday morning, nine, o'clock.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, MONDAY, }
April 27, 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Bourland, Brown, Charlton, Clark, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gilliam, Gooch, Irion, Jones, Keenan, McClarty, McCown, McCulloch, McFarland, Miller, Milican, Muckleroy, Mullins, Noble, Pattillo, Perkins, Perry, Rayner, Redgate, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truitt, White, and Willie.

A quorum being present, the House proceeded to business.

The Journal of Saturday, the twenty fifth instant was read and adopted.

Mr. Willie presented a memorial, from a portion of the citizens of Washington County—praying that said County may not be divided.

Which was read; and, on motion, referred to the committee on County Boundaries.

Mr. Gray, Chairman of the committee on the Judiciary, made the following report:

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The committee on the Judiciary, to whom was referred a bill, to be entitled, "An act, to provide for serving Writs, or other process, upon Sheriffs," and a bill, to be entitled, "An act, to regulate motions for cost, in actions"—recommend that said bills be laid upon the table; the provisions of the same having recently been incorporated in a bill, to be entitled, "An act, to regulate proceedings in the District Court."

(Signed)

P. W. GRAY,
Chairman.

Which report was read and adopted, and the bills laid upon the table.

Mr. Gray, Chairman of the committee the on Judiciary, also, made the following report:

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The committee on the Judiciary, to whom was referred a bill, to be entitled, "An act, to regulate the License and Practice of Attorneys and Counsellors at Law," have had the same under consideration: and have instructed me to report the bill

back to the House—with the accompanying amendments—and to recommend its passage.

(Signed)

P. W. GRAY,
Chairman.

Which report was read and received, and laid upon the table; to come up among the orders of the day.

Mr. Gray, Chairman of the committee on the Judiciary, also reported as follows:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives.

The committee on the Judiciary, to whom was referred the Petition of Thomas Cox, have instructed me to report the following bill, for his relief; and to recommend its passage.

(Signed)

P. W. GRAY.
Chairman.

A bill, to be entitled, "An act, to authorize Thomas Cox, to liberate certain slaves, therein named, was then taken up and Read a first time.

Mr. Gray; Chairman of the committee on the Judiciary, also made the following report:

COMMITTEE ROOM, }
April 24, 1846. }

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on the Judiciary, have had under consideration, that portion of a bill, (from the Senate,) to be entitled, "An act, organizing District Courts" which relates to Pleading, Practice &c; and have prepared the enclosed bill, to be entitled, "An act, regulating proceedings in the District Courts—as a substitute for the aforesaid portion of the Senate's bill.

They instruct me to report the said substitute, with the recommendation that it be adopted and passed.

(Signed)

P. W. GRAY.
Chairman.

Which report was read and received, and the substitute laid upon the table, to come up among the orders of the day.

Mr. Clark, Chairman of the committee on State Affairs made the following report:

COMMITTEE ROOM. }
APRIL 27, 1846. }

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on Affairs of State, to which was referred

the memorial of James W. Robinson Andrew J. McGown; and others—praying that they, and all others who may become associated with them; be created a body corporate—under the name and style of the “Texas Monumental and Historical Association”—together with the accompanying documents; have considered the same, and, in view of the late period of the session, to which they have, unavoidably, been deferred, have instructed me to return the said Memorial and other papers to the House; requesting, that they be laid upon the table, for the consideration of the future Legislatures of the Country.

In adopting this course, the committee would not be understood as intending or designing to defeat the intentions of the Memorialists. They appreciate the motives and feelings, which have prompted them to ask, of the Legislature, the privileges and powers which they have; and to *none* would the accomplishment of their objects afford more pleasure and gratification, than to the committee.

The memorialists have enlisted in a holy cause—one which addresses itself to the affectionate attention and consideration of every Texian; and *one* which must, surely, receive the commendation of the friends of Freedom, throughout the world.

It is *meet*, in view of the obligations resting upon the living, for benefits received; and the beneficial influence, which they are calculated to exert upon posterity—that such testimonials of regard and reverence, should be erected to the memory of those “who died, while defending their country. Costly Monuments have arisen, in honor of those who offered up their lives upon the battle-fields of the American Revolution; and, since it is owing, in a great measure, to the influences of that eventful struggle, that *this land* has been redeemed from intolerance and oppression, it would be well, at last, that similar tokens of respect and veneration, be reared to the recollection of those, who offered themselves a sacrifice for Texian Independence.

The crumbling walls of the Alamo; and other places, consecrated by their blood, are the only *indicia* which designate the scenes of their glory. None but the wild flowers of Nature, bloom over the place of their repose—“no splendid Mausoleum lifts its marble tablet—crowned with the history of their achievements—for the admiration of millions, yet unborn! Nor has the hand of affection ever directed, over their tombs, the tendrils of the sepulchral vine. How sacred, then, the duty!—how propitious the time—when the history of “their noble deeds and daring prowess,” is still fresh in the recollection of every individual, to adopt measures calculated to perpetuate

their memories! And, could the dead be affected by the actions of the living, how pleasing would it be!—What satisfaction would it give to the departed hero of the Texan Revolution, to see those who now enjoy the blessings which “they gave their lives to achieve,” engaged in such becoming acts of esteem and remembrance.

(Signed)

E. CLARK
Chairman.

Which report was read and adopted, and the bill laid upon the table, to come up with the orders of the day.

Mr. Keenan, Chairman of the committee on Education, made the following report:

COMMITTEE ROOM, }
APRIL 27, 1846. }

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives :*

The committee on Education, to whom was referred a Resolution, instructing them to “inquire into the expediency of amending the Constitution, so as to provide for the immediate disposition of the lands, appropriated by the late Republic of Texas for the purposes of Education,” have had the same under consideration; and are persuaded, that, for slight or imaginary evils, no alteration in its provisions should be made. If the interest of the whole country could be advanced, by the sale of the School Lands, *then* it would be the duty of the Legislature, to effect *that object* as soon as possible. But, at present, if the restrictions, imposed by the Constitution, were removed, and the lands brought into market: so great would be the competition, of individual speculators and private land-holders, as to diminish their price; and, thereby, measurably defeat the *object* for which they were granted.

It may be a misfortune, to some of those counties in which they are located; and, in some degree, retard the progress of the settlements in them. But, at the same time, it would be impolitic, in the Legislature, or the people of the State, to sacrifice them, by immediate sale, for the local advantage of any section of the Country. Legislation should not be, alone, for the *present* convenience of the people; but for the permanent interest of the country.

The committee would therefore, ask to be discharged from the further consideration of the subject.

[Signed]

C. G. KEENAN,
Chairman.

Which report was read and adopted, and the bill laid upon the table.

Mr. Adams made the following report:

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives.*

The Select Committee, to whom was referred a bill, to be entitled, "an act, to organize the county of Leon," have instructed me to report the accompanying bill, as a substitute for the original, and to recommend its passage.

[Signed]

G. W. ADAMS,
Chairman.

Which report was read and adopted.

Mr. Pattillo introduced a bill, to be entitled, "an act, requiring the Commissioner of the General Land Office, to issue Patents in the name, and by the authority of the State of Texas."

Which was read a first time.

On motion of Mr. Eddy, the rule, requiring bills to be read on three several days, was suspended.

The bill was then read a second time.

On motion of Mr. Perkins, the Rule was further suspended; and the bill was

Read a third time and passed.

On motion of Mr. Perkins, the House proceeded to the

ORDERS OF THE DAY.

Mr. Perkins moved, that the vote of the House, taken on a previous day, on Engrossing a bill, to be entitled; "An act, securing Bounty Land to Volunteers, in the Naval service," be reconsidered.

The yeas and nays were called thereon, and stood as follows:

Yeas—Messrs. Speaker, Barry, Brown, Charlton, Clark, Dickson, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gilliam, Holland, Howard, Keenan, McClarty, McCown, McFarland, Miller, Milican, Muckleroy, Noble, Pattillo, Pease, Perkins, Rayner, Redgate Ryburn, Stevenson, Stewart, Smith of Rusk, Swift, Tankersly, Truitt, and White—36.

Nays—Messrs Adams, Bourland, Cooke, Cronican, Dupree, Erath, Gooch, Irion Jones, McCulloch, Mullins, Ogden, Russell, Sadler, Savage, Smith of Harris, Sublett, Williams and Willie—19

So the motion, to reconsider the vote, was carried.

On motion of Mr. Perkins, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, to require the county of Titus, to pay a portion of the debt of Red River county;" was taken up, and

Read a first time,

On motion, the Rule, requiring bills to be read on three several days, was suspended.

The bill was then read a second time.

Mr. Barry offered the following as an amendment to the bill:

"Be it further enacted, That the Chief Justice and Commissioners of Titus county, shall meet the Chief Justice and Commissioners of the county of Red River—in the town of Clarksville Red River county—on the first Monday in December next; and there and then apportion the debt between said counties."

"Be it further enacted, That the county of Titus shall receive a credit, on her proportion of debt, by any certified claim against the county of Red River; which may be paid by the authorities of Titus county, to the authorities of Red River county."

Which amendment was read and adopted.

Mr. Russell offered the following, as an amendment to the bill:

Provided, That nothing, contained in this act shall affect, in any way whatever, the citizens of that part of Titus county, which was formerly a part of Bowie county."

On motion of Mr. Bourland, the bill was referred to the committee on State Affairs.

A message was received from his Excellency, the Governor, informing the House that he had approved and signed the following bills and Joint Resolution:

An act, for the relief of James Gilliam, Assignee of Jesse Billingsly;"

"An act, requiring the county of Grimes, to pay a portion of the debt of Montgomery;"

"A act, creating the county of Henderson;"

"An act, transferring a part of the liabilities of Milam county, to the county of Burleson;"

"An act, to organize the county of Upshur;"

An act, to restore lands sold for taxes, and bid in by the Government, to their former owners;

"An act, to establish the county of Cass;" and

"A Joint resolution, granting the Hon. John Hemphill, Chief Justice of the supreme Court, leave of absence from the State."

The Senate's substitute for a bill, to be entitled, "An act, supplementary to an act, creating the county of Panola;" was taken up, and

Read and concurred in.

Mr. Dupree offered the following Resolution:

Resolved, that this House will not entertain any motion, made after this day, for the reference of any bill—as it seems to be an unnecessary consumption of time—unless it be by a vote of four fifths of this House."

Which Resolution was read, and laid upon the table, one day, for consideration.

A bill, to be entitled, "An act, regulating appeals to the Supreme Court, in criminal cases;" was taken up—together with the amendments thereto made by the Senate.

Which amendments were read, and the first, second and sixth of them, concurred in. The third, fourth and fifth were rejected.

A bill, to be entitled, "An act, to declare—What officers shall give Certificates of Election in Senatorial elections; in Districts composed of more than one county;" was taken up—together with the report thereon, made by the committee of Conference.

On motion of Mr. Bourland, the Chairman, on the part of the House, of said committee of Conference, withdrew the report.

A bill, to be entitled, "An act, organizing County Courts;" was taken up—together with the amendments thereto, made by the Senate.

Which amendments were read, and the second, fourth, and seventh concurred in. The House rejected the first, third and fifth of said amendments.

The yeas and nays were called, on the adoption of the sixth amendment, and stood as follows:

Yeas—Messrs. Bourland, Clark, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gillett, Howard, Hudson, Jones, McCulloch, Miller, Pease, Perkins, Perry, Russell, Sadler, Stevenson, Swift, Sublett, Williams and Willie—20.

Nays—Messrs. Speaker, Adams, Barry, Brown Burroughs, Charlton, Cooke, Cronican, Dickson, Dupree, Durham, Echols, Erath, Gray, Gilliam, Gooch, Holland, Keenan, McClarty, McCown, McFarland, McNeill, Milican, Muckleroy, Mullins, No-

ble Pattillo, Redgate, Ryburn, Savage, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Tankersly, Traitt and White—39.

So the amendment was rejected.

The eighth amendment and the additional Section, proposed by the Senate, were also rejected.

On motion of Mr. Howard, a committee of Conference was appointed, on the part of the House, to take into consideration the subject of disagreement.

The Speaker appointed Messrs. Howard, Gray and Pease, to compose said committee.

A message was received from the Senate, informing the House of the passage of the following bills, by that body:

A bill, to be entitled, "An act, requiring the county of Newton, to pay a portion of the debt of Jasper county;"

A bill, to be entitled, "An act to repeal an act, supplementary to an act, authorizing the issuing of Duplicate Land Warrants, Discharges and Head Rights, on certain conditions, approved, January fifteenth 1846;" and

A bill, to be entitled, "An act, for the relief of any person, who has purchased Lots, in the city of Auston, or Out Lots, upon the tract adjoining."

The House was also informed, that the Senate had receded from their amendment, to a bill, to be entitled, "An act, authorizing Chief Justices, who were elected on the first Monday in February last, to continue in office, until their successors are elected;" and that they had also receded from their amendment, to a "bill to be entitled, "An act, providing for the transfer of Records of Administrations, to new counties—except as to the county of Montgomery—and that they had appointed a committee of Conference, consisting of Messrs. Phillips, Miller and Navarro; and requesting the appointment of a like committee' on the part of the House.

A bill, to be entitled "An act, creating the county of Titus;" was taken up, and

Read a first time.

On motion, the Rule, requiring bills to be read on three several days, was suspended.

The bill was then read a second time; and

On motion, referred to the committee on County Boundaries.

A bill to be entitled "An act, to provide for the summary recovery of *real property*;" was taken up—together with the amendments, thereto reported by the committee on the Judiciary.

Which amendment was read and adopted.

On motion, the bill was then ordered to be engrossed.

A bill, to be entitled, "An act, to authorize the Governor, to open the Election Returns, of the first Congressional District;" was taken up, and

Read a first time.

On motion of Mr. Durham, the bill was laid upon the table.

On motion of Mr. Clark, leave of absence was granted to Mr. McCown, for the balance of the Session.

A bill, to be entitled, "An act, requiring the county of Dallas, to pay a portion of the debt of Robertson county;" was taken up, and

Read a second time,

On Motion, the bill was referred to the committee on State Affairs.

A bill, to be entitled, "An act, for the relief of Petit Jurors;" was taken up, and

Read a second time.

Mr. McNeill moved, to amend the bill, by inserting, after the word "Petit," the words, "and Grand."

Which amendment was adopted.

Question—Shall the bill, now under consideration of the House be engrossed?

The yeas and nays were called thereon, and stood as follows:

Yeas—Messrs. Speaker, Bourland, Barry, Burroughs, Charlton, Clark, Dickson, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gilliam, Gooch, Howard, Irion, Keenan, McClarty, McCulloch, McFarland, McNeill, Milican, Muckleroy, Mullins, Noble, Pattillo, Perry, Redgate, Savage, Stewart, Smith of Harris, Smith of Rusk, Sublett, Truitt and Willie—36.

Nays—Messrs. Adams, Cronican, Gray, Gillett, Miller, Pease, Sadler and White—8.

So the question was decided in the affirmative, and the bill ordered to be engrossed.

A bill, to be entitled, "An act, regulating the License and Practice of Attorneys and Councillors at Law;" was taken up—together with the amendments thereto, reported by the committee on the Judiciary.

Which amendments were read and adopted.

Mr. Willie moved, that the words, "the applicant shall be twenty-one years of age," be stricken out of the bill.

Which motion was lost.

Mr. Willie then moved, that all that portion of the bill; requiring the applicant to obtain the certificate of the Chief Justice, that he is of good moral character, be stricken out.

Which motion was also lost.

Mr. Clark moved, to amend the bill, by inserting; at the end of the sixth Section, the words, "during the pendency of the suit."

Which amendment was adopted.

On motion, the bill was then ordered to be engrossed.

A bill, to be entitled, "An act, prescribing the mode of obtaining and establishing Land Certificates," was taken up, and

Read a second time.

Mr. Erath moved, that the bill be read by Sections.

On motion of Mr. Clark, the House adjourned, until two o'clock

P. M.

TWO O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Bourland, Brown, Charlton, Clark, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gilliam, Gooch, Irion, Jones, Mabry McClarty, McFarland, McNeill, Miller, Milican, Muckleroy, Mullins, Noble, Perkins, Perry, Railey, Redgate, Russell, Ryburn, Sadler, Savage, Stewart; Smith of Rusk, Swift, Sublett, Tankersly, Truitt White and Williams.

A quorum being present, the House proceeded to business.

A bill to be entitled, "An act, to provide for obtaining and establishing Land Certificates,;" being under consideration.

Mr. McNeill moved, to strike out the fourth Section.

Which motion was lost.

Question—Shall the bill, now under consideration of the House, be engrossed?

The yeas and nays were called, thereon, and stood as follows.

Yeas—Messrs. Speaker, Adams, Barry, Bourland, Brown, Cazneau, Clark, Cronican, Dupree, Durham, Erath, Gillett, Gil-

iam, Gooch, Hudson, Irion, Jones, Mabray, McClarty, McCulloch, Milican, Mullins, Perry, Raily, Ryburn, Sadler, Savage, Stewart, Smith of Rusk, Smith of Harris, Swift, Tankersly, Truitt and Williams;---34.

Nays---Messrs. Burroughs, Charlton, Dickson, Echols, Edwards of San Augustine, Edwards of Nacogdoches, McFarland, McNeill, Miller, Muckleroy, Noble, Pease, Perkins, Sublett and White—15.

So the question was decided in the affirmative, and the bill was ordered to be engrossed.

A bill, to be entitled, "An act, authorizing and requiring the Commissioner of the General Land Office, to issue Patents on unconditional certificates for Land; was taken up, and Read a second time.

Mr. Willie offered the following, as an additional section to the bill:

—"That Patents may, in like manner, be obtained, upon all good and genuine certificates, of the first class, which have been issued by any of the Boards of Land Commissioners since the fourth day of February, 1841."

Which amendment was adopted.

On motion, the bill was then ordered to be engrossed.

A bill, to be entitled, "An act, to provide for the loss Field Notes of surveys;" was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill, to be entitled "An act, to make valid Patents, issued to deceased persons;" was taken up, and

Read a second time.

On motion the bill was ordered to be engrossed.

Mr Clark, Chairman of the committee on Internal Improvements, made the following report:

COMMITTEE ROOM, }
April 27, 1846. }

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on Internal Improvements, to which was referred the "Petition of John W. Massie and numerous others"—praying that Robert L. Lane, Taylor Brown and David B. Brown, and such present and future associates, successors and assignees, as may hereafter exist, be created a body Corporate—with the usual and necessary powers and privileges as pertaining to Corporations—have had the same under con

sideration; and all of the committee, *present* at the meeting at which said Petition was considered—being a majority—have instructed me to report the enclosed bill, to the House, and to recommend its passage. (Signed) E. CLARK, *Chairman*.

Which report was read and adopted.

A bill, to be entitled, "An act, to incorporate the Sabine Navigation, Company"—reported by the committee on Internal Improvements—was taken up, and

Read a first time.

On motion of Mr. Brown, the Rule, requiring bills to be read on three several days was suspended.

The bill was then read a second time.

Mr. Howard offered to amend the bill, by inserting the words ---*Provided*, That the Legislature have the right to change the tolls and freights;

Which amendment was adopted.

Mr. Bourland moved, to strike out the words, "Barnett's Bluff;" and insert in the eighth line of the second Section, the words, "Big Sandy."

Which amendment was adopted.

On motion of Mr. Burroughs, the bill was laid upon the table, until to-morrow morning.

A bill, to be entitled, "An act, to incorporate the several counties of this State, which now exist, or may be, hereafter, created:" was taken up, and

Read a second time.

On motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, to limit suits, between parties non-residents of the State, in certain cases;" was taken up---together with the amendments thereto offered by the Select committee.

Which amendments were read, and the first rejected---the second and third adopted.

Mr. Barry moved, to strike out the words "six months."

Which motion was carried.

Mr. Miller moved, to insert, "four years."

Which motion was rejected.

Mr. Barry proposed, to insert "three years."

Which was also rejected.

Mr. Burroughs moved, that the blank be filled with the words "two years."

Which motion was carried.

The yeas and nays were called, on the engrossment of the bill, and stood as follows:

Yeas—Messrs. Barry, Brown, Burroughs, Clark, Durham,

Echols, Erath, Irion, Keenan, McFarland, McNeill, Noble, Ryburn, Stewart, Smith of Harris, Smith of Rusk and Truitt--19.

Nays---Messrs. Speaker, Adams, Cazenau, Charlton, Dickson, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gillet, Gilliam, Gooch, Howard, Hudson, Mabry, McCulloch, Miller, Milican Muckleroy, Ogden, Pattillo, Pease Perkins, Redgate, Russell, Sadler, Savage Swift, Tankersly and White--30.

So the House refused to engross the bill.

Mr. Burroughs, Chairman of the committee on Enrolled Bills made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on Enrolled Bills, have examined the following bills and find the same correctly enrolled:

"An act, to incorporate the Society of Free Masons--composed of Lodges and Chapters;"

"An act, to raise a revenue, by direct taxation;"

"An act, to provide for Digesting and arranging the Laws--civil and criminal--of a general nature;"

"An act, to provide for the registration of the separate property of married women;"

"An act, to provide for closing the business of the late Department, of War and Marine; and

A "Joint Resolution, concerning Roads, in Robertson county;"

Said bills and Joint Resolution, having been signed by the Speaker of the House of Representatives, and the President *pro tem.* of the Senate, were, this day, presented to his Excellency, the Governor, for his approval.

(Signed)

J. M. BURROUGHS.

Chairman.

Which report was read and accepted.

A bill to be entitled, "An act, requiring the Commissioner of the General Land Office, to issue Patents, in certain cases;" was taken up--with the amendments, thereto reported by the committee on the Judiciary.

Which amendments were read and adopted.

Mr. Tankersly moved, to amend by inserting, after the word "this" in the last Section of the bill, the word "act."

Which amendment was adopted.

On motion, the bill was ordered to be engrossed.

A "Joint Resolution, for the relief of Charles B. Snow;" was taken up, and

Read a second time.

On motion the bill was ordered to be engrossed.

Mr. Perkins moved, that the rule, requiring bills &c to be read on three several days, be suspended.

Which motion was lost.

A bill, to be entitled, "An act to establish a State Penitentiary," was taken up, and

Read a first time.

On motion, the rule was suspended, and the bill was read a second time by its caption.

On further motion, the bill was referred to the committee on State Affairs.

Mr. Pease moved to take up a bill, to be entitled, "An act, regulating proceedings in the District Courts," and the substitute therefor, reported by the committee on the Judiciary.

Which motion was carried.

The substitute was then read and adopted.

On motion of Mr. Sadler, the House adjourned until to-morrow morning, 9 o'clock.

HOUSE OF REPRESENTATIVES,

CITY OF AUSTIN, TUESDAY.

April 28th, 1846.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Bourland, Brown, Burroughs, Charlton, Clark, Cooke, Cronican, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gilliam, Gooch, Holland, Hudson, Irion, Jones, Keenan, McClarty, McCulloch, McFarland, Miller, Milican, Muckleroy, Mullins, Noble, Pattillo, Perry, Rarley, Redgate, Russell, Ryburn, Savage, Smith of Harris, Smith of Rusk, Sublett, Tankersly, Trait, White, and Williams.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Tankersly, Chairman of the committee on Finance, made the following report:

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on Finance, to whom was referred a bill, to be entitled, An act, to repeal the fourth section of An act, Approved, seventh of June 1837—authorizing the consolidation and funding of the Public Debt, have instructed me to report thereon.

[The original of this report has been misplaced; and no transcript of it having been made, into the Journal, a copy cannot be furnished for publication.]

Which report was read, and laid upon the table, to come up with the orders of the day.

Mr. Keenan, Chairman of the committee on Education, made the following report:

COMMITTEE ROOM, }
APRIL 27, 1846. }

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives.

The committee, to whom was referred a bill, to be entitled, "An act, to authorize the Secretary of State, to exchange the Literary Works and Natural Productions of this State, for those of other countries"—have had the same under consideration, and instruct me to report: That an interchange, of the kind proposed, would result in benefit to us; and be the means of acquiring much interesting and valuable matter, of a Literary, Scientific and Political character, which cannot be procured in any other manner; and which, of course, is now placed beyond our reach.

In every country there are important papers, books, reports and documents—the records of Governments, or property of Literary Associations—which cannot be found in book-stores and market places; but would, as a matter of courtesy, be willingly exchanged for copies of the laws and Journals, that fill the lumber-rooms of our State Departments.

The system of interchange, here recommended, has been adopted by the United States, and many of the individual States of the Confederacy; and is not placed upon the principle of *barter*, by which we are to receive an equivalent, only, for what we give. A copy of the Journals of our Legislature, or a Volume of its Statutes—considered of little value by us—would, perhaps, be appreciated highly, by another Nation, and receive a place in their Libraries as a desirable acquisition to their collection.

The object is, to diffuse, as widely as possible, the Litera-

ture of every country, and to place in every National Library. the Laws that the wisdom of Ages has enacted.

The United States, of course, will transmit to our Government, her Laws and the Reprots and Decisions of her Courts. But it is only by adopting a system of international exchange, that we can expect to receive the same, from other countries and from individuals.

The measure is greatly to be desired by Texas: The moral character and Literary acquirements of her people have been entirely misunderstood abroad; or, if known, have not been correctly estimated. We do not occupy that rank, in the opinion of Nations, that we deserve, for the simple reason, that we have made no efforts to inform them correctly upon the subject

The appropriation, proposed in the bill, is only to defray the expense of transportation and other charges incident thereto. The committee would, therefore, recommend that the blank be filled with some reasonable amount; and that the bill receive the favorable consideration of the House.

[Signed]

C. G. KEENAN,
Chairman.

Which report was read and received, and laid upon the table, to come up with the orders of the day.

Mr. White, one of the committee on Contingent Expenses made the following report;

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The Chairman of the committee on Contingent Expenses, is absent, which you know is a *contingency*; and my name comes next on the list, which is another *contingency*, I did not expect to arise; and, as many more *contingencies* may arise, I beg leave that some other person—not so subject to *contingencies*—may be appointed, to act as Chairman of the *contingent* committee on *Contingent* Expenses.

[Signed]

F. M. WHITE,
One of the Committee.

Which report was read and adopted.

Mr. Russell, Chairman of the committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, }
April 28, 1846. }

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined the following bills, and find the same correctly engrossed.

A bill, to be entitled, "An act, describing the mode of obtaining and establishing Land Certificates;"

A bill, to be entitled, "An act, to make valid all Patents, issued in the name of deceased persons;"

A bill, to be entitled, "An act, to provide for the loss of Field Notes of Surveys;"

A bill, to be entitled, "An act, requiring the Commissioner of the General Land Office, to issue Patents, upon unconditional Head Right Certificates for Land; "and

A bill, to be entitled, "An act, for the Assessment and Collection of Taxes."

[Signed]

A. J. RUSSELL,
Chairman.

Which report was read and accepted.

Mr. Willie, one of the committee on Engrossed Bills, made the following report:

COMMITTEE ROOM. }
APRIL 28, 1846. }

To the Honorable Wm .E. Crump,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined a Joint Resolution, for the relief of Charles B. Snow," and find the same correctly engrossed.

[Signed]

JAS. WILLIE,
One of the Committee.

Which report was read and accepted.

Mr. McFarland, Chairman, on the part of the House, of a Committee of Conference, made the following report:

COMMITTEE ROOM, }
April 25th, 1846. }

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The Committee of Conference, appointed to take into consideration a bill, to be entitled, "An act, to declare—What officers shall give Certificates of Election, in Senatorial elections, in Districts composed of more than one county—have had the same under consideration, and have instructed me to report,

First—That the Senate recede from its amendment—proposing to strike out "Bowie" and insert "Red River."

Second—That the House concur in the Senates is amendments—proposing to strike out Goliad "and insert "Refugia."

The committee could not agree, relative to the amendment of

the Senate—proposing to strike out “Lamar” and insert “Fannin.” They recommend the appointment of another committee; and ask to be discharged from the further consideration of the subject.

[Signed],

SAM. McFARLAND,
Chairman, on part of the House.
A. H. PHILIPS,
Chairman, on part of the Senate.

Which report was read and adopted.

Mr. McFarland moved, that a committee of conference be appointed to take into consideration a bill, to be entitled, “An act, to declare what officers shall give certificates of election, in Senatorial elections; in Districts composed of more than one county.”

Which motion was carried.”

The Speaker appointed Messrs. Sadler, Keenan and Dupree, to compose said committee, on the part of the House.

Mr. Williams, introduced the following Resolution:

“Resolved, By the Legislature of the State of Texas, That, in its pale, the powers and bearing of *Democracy* shall be carried out—*right or wrong*.”

Which resolution was read, and laid upon the table, one day, for consideration.

Mr. Russell introduced the following Preamble and Resolution:

“WHEREAS—In consequence of the inattention of many members of this House—it is difficult to keep a quorum to transact business, and thereby impeding the progress of Legislation; and in order to obviate the present difficulty, and to forward the business of the House,

“Resolved, That each member who shall be absent from his seat, after the meeting of the House—unless excused, in consequence of sickness—be fined the amount of his *per diem*; and that it shall be the duty of the Clerk of the House, in making out the certificate of each member, for his *per diem*, to deduct, therefrom, all fines that may have been imposed, in consequence of absence.”

Which resolution was read, and on motion of Mr. Willie, rejected.

Mr. Stewart introduced the following resolution—to wit:

“Resolved, That the committee on State affairs, be requested to report the bill, to be entitled, “An act, defining the duties of Secretary of State.”

Which resolution was read and adopted.

Mr. Gilliam introduced a bill, to be entitled, "An act, to facilitate the collection of debts, founded upon bonds and promissory notes;"

Which was read a first time.

A message was received, from his Excellency, the Governor, informing the House that he had approved and signed the following bills and Joint resolution:

An act, to incorporate the society of Free Masons—composed of Lodges and Chapters;:

An act, to provide for closing the business of the Department of War and Marine;

An act, to raise a revenue; by direct taxation; and

A Joint Resolution, concerning roads, in Robertson county.

Mr. Dupree introduced a bill, to be entitled, "An act, to incorporate the Colorado Mining Company."

Which was read a first time.

Mr. Russell introduced a bill, to be entitled, "An act, to deduct from the salaries of officers, therein named, for neglect of duty.

Which was read a first time.

Mr. Gray introduced a Joint resolution, instructing our Senators and requesting our Representatives, in Congress, to procure indemnity from the Government of the United States, to importers of goods, from the United States to Texas—between December 31st, 1845, and February the 16th, 1846.

Which was read a first time.

On motion, the House proceeded to the.

ORDERS OF THE DAY.

A bill, to be entitled, "An act, to incorporate the Sabine Navigation Company;" was taken up; and

Read a second time.

On motion, the bill was ordered to be engrossed.

On further motion, the rule requiring bills to be read on three several days, was suspended.

The bill was then read a third time.

The yeas and nays were called, on the final passage of the bill, and stood as follows:

Yeas—Messrs. Speaker, Adams, Barry, Brown, Cronican, Dupree, Echols, Edwards of Nacogdoches, Erath, Gilliam, Göoch, Howard, Irion, Keenan, Mabry, McClarty, McFarland, McNeill, Miller, Muckleroy, Noble, Ogden, Pattillo, Perry,

Redgate, Savage, Stewart, Smith of Rusk, Swift, Sublett, Truitt, White and Willie—33.

Nays—Messrs. Charlton, Clark, Cooke, Dickson, Eddy, Holland, Jones, Milican, Mullins, Pease, Perkins, Russell, Sadler, Smith of Harris, Tankersly and Williams—16.

So the bill was passed.

Mr. Eddy, one of the committee on Engrossed bills, made the following report.

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The committee on Engrossed Bills, have Examined a bill, to be entitled, "An act, requiring the Commissioner of the General Land Office to issue Patents, in the name and by the authority of the State of Texas,"—and find the same correctly engrossed.

[Signed]

Z. WMS. EDDY,
One of the Committee.

Which report was read and accepted.

A bill, to be entitled, "An act, to legalize certain surveys—made in Bastrop County by the Surveyor of Bexar County;" was taken up—together with the amendments thereto, reported by the committee on the Judiciary.

Mr. White moved, that the report be rejected.

The yeas and nays were called thereon, and stood as follows:

Yeas—Messrs. Charlton, Cazneau, Cooke, Dupree, Durham, Eddy, Irion, Mabry, Mullins, Perkins, Redgate, Stevenson, Smith of Rusk, White and Williams—15.

Nays—Messrs. Speaker, Burroughs, Clark, Cronican, Dickson, Edwards of Nacogdoches, Gray, Gilliam, Gooch, Holland, Iron, Keenan, McCulloch, McFarland, McNeill, Miller, Milican, Muckleroy, Noble, Ogden, Pattillo, Pease, Russell, Sadler, Savage, Stewart, Smith of Harris, Swift, Sublett, Tankersly, Truitt and Willie—33.

So the House refused to reject the report.

Mr. White moved to insert, in the amendment, the words, "and surveyed by the Surveyor of Bexar county."

The yeas and nays were called, on the adoption of the amendment proposed by Mr. White, and stood as follows:

Yeas—Messrs. Cazneau, Charlton, Durham, Echols, Eddy, Erath, Gooch, Irion, Mabry, Mullins, Perkins, Perry, Redgate, Stevenson, White and Williams—16.

Nays—Messrs. Speaker, Brown, Burroughs, Clark, Dickson, Edwards of Nacogdoches, Howard, Hudson, Jones, Keenan, McFarland, McNeill, Miller, Milican, Muckleroy, Noble, Ogden, Patillo, Pease, Russell, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Truitt and Willie—29.

So the amendment was rejected.

Mr. Mabry moved, that the bill be laid upon the table, until Thursday next.

Mr. Howard moved, that the bill be laid upon the table, until the first day of June next.

The yeas and nays were called thereon, and stood as follows:

Yeas—Messrs. Burroughs, Charlton, Dickson, Edwards of Nacogdoches, Howard, Hudson, Keenan, McCulloch, Miller, Muckleroy, Noble, Ogden, Sadler, Smith of Rusk, Sublett, Truitt and Willie—17.

Nays—Messrs. Speaker, Brown, Cazneau, Clark, Cooke, Dupree, Echols, Eddy, Erath, Gray, Gillett, Gooch, Irion, Jones, Mabry, McFarland, McNeill, Millican, Mulins, Pattillo, Pease, Perkins, Perry, Redgate, Russell, Stevenson, Stewart, Swift, Tankersly and White—30.

So the motion was lost.

The question then recurred, on the adoption of Mabry's motion; and the

Motion was carried.

Mr. Jones introduced the following resolution:

Resolved, That the Select committee, to whom was referred the Appropriation bill, be required to report the same to this House, on Wednesday next, at ten o'clock."

Which resolution was read, and

On motion of Mr. Howard, laid upon the table.

A bill, to be entitled, "An act, making valid all Patents, issued to deceased persons;" was taken up,

Read a third time and passed.

Mr. Stevenson introduced the following resolution:

Resolved, That a committee be appointed to take down the names of the members of the Legislature, their age, places of birth, whence they came to Texas, year of emigration, pursuits, professions or callings, religion, number of children—boys and girls, names, ages, and wives' original names, age likely or unlikely; tall or short, fair or brunette, talkative or silent, persuasive or lovely. Where they came from, and

what brought each of said members to the country; what they expected, when they came to Texas; what they now expect; whether they are *green* or *cured*. If they consider themselves shiftty fellows—silent fellows—treating lively fellows, &c., &c., &c., &c., &c.”

Mr. Burroughs moved, to amend the resolution, by inserting the words—“and if their mothers know they are out.”

Which amendment was rejected.

Question—Shall the resolution now under consideration of the House, be adopted?

The House decided in the negative.

Mr. Durham moved, that a call of the House be made.

Which motion was lost.

Mr. Durham then moved, that the House adjourn until three o'clock, P. M.

Which motion was also lost.

A bill, to be entitled “An act, prescribing the mode of establishing and obtaining Land Certificates;” was taken up.

On motion, the bill was referred to the committee on the Judiciary.

A substitute for a portion of a bill, (from the Senate) to be entitled, “An act, regulating proceedings in the District Courts, was taken up.

Mr. Miller moved to amend, by inserting, after the word, “interpret,”—“and shall be entitled to the same pay, therefor, as by law is allowed to witnesses.”

Which amendment was adopted.

Mr. Howard proposed to amend, by inserting the words:—“*Provided*, That, on leave of the Court, additional errors may be filed in the Supreme Court.”

Which amendment was adopted.

On motion the bill was then ordered to be engrossed.

On motion of Mr. Charlton, the House adjourned, until three o'clock, P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The roll was called and the following members answered to their names:

Messrs. Speaker, Barry, Bourland, Brown, Charlton, Clark, Cooke, Cronican, Dickson, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gilliam, Gooch, Holland, Hudson, Howard, Irion, Jones, Keenan, Mabry, McFarland, McNeill, Miller, Muckleroy, Mullins, Ogden, Pattillo, Perkins, Perry, Railey, Redgate, Russell, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Tankersly, Truitt and White.

A quorum being present, the House proceeded to business.

A bill, to be entitled, "An act, to provide for the loss of Field notes of Surveys;" was taken up,

Read a third time and passed.

A bill, to be entitled, "An act, to provide for the assessment and collection of Taxes;" was taken up and

Read a third time.

The yeas and nays were called for, on the final passage of the bill.

Mr. Barry moved, that a call of the House be made.

Which motion was carried.

On motion of Mr. Bourland, a further call of the House was suspended.

Mr. White moved, that the bill be referred to the committee on Finance.

Which motion was lost.

On motion of Mr. Tankersly, the bill was referred to a select committee.

The Speaker appointed Messrs. Tankersly, Pease, Brown, Miller, Howard, McNeill and Eddy, to compose said committee.

On motion, the House adjourned, until to-morrow morning, ten o'clock.

HOUSE OF REPRESENTATIVES,

CITY OF AUSTIN, WEDNESDAY,

April 29, 1846.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Bourland, Brown, Charlton Clark, Cooke, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Hudson, Inion, Jones, Keenan, Mabry, McClarty, McCulloch, McFarland, McNeill, Miller, Milican, Muckleroy, Mullins, Pattillo, Perkins, Perry, Redgate, Russell, Ryburn, Savage, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Tankersly, Truitt, White, Williams and Willie.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Clark, chairman of the committee on State Affairs, made the following report:

COMMITTEE ROOM, }
April 28, 1846. }

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The committee on Affairs of State, to which was referred a bill from the Senate, to be entitled, "An act, to establish a State Penitentiary," have considered the same; and have amended said bill as follows:

In the 33d line of the 4th section, strike out the word "escape," and insert, in lieu thereof, the word "custody."

In the 2d line of the 10th section, strike out the words, "before whom," after the word "court," and insert, in lieu thereof the words, "in which."

Insert the following, to come in as the 12th section of the bill: "That the Governor shall have the appointing and removing power, as in other cases."

Change the 12th section of the bill, so as to make it number as the 13th section.

With these amendments, a majority of the committee, believing the bill sufficient in all respects, to accomplish the object, have directed me to report the same back to the House, and to recommend its passage.

[Signed].

E. CLARK,
Chairman.

Mr. Clark, chairman of the committee of State Affairs, also made the following report:

COMMITTEE ROOM, }
April 28, 1846. }

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The committee on State Affairs, have had under considera-

tion a bill, to be entitled, "An act, requiring Clerks of the County Court, Clerks of the District Court, Sheriffs, County Treasurers and County Surveyors, or their lawful Deputies, to reside permanently, at the County Seat"—and have instructed me to return it to the House—with the enclosed substitute therefor; the adoption and passage of which, they recommend.

[Signed]

EDWARD CLARK,
Chairman.

Which report was read and adopted; and the substitute laid upon the table, to come up with the orders of the day.

Mr. Stewart, chairman of the committee on Contingent Expenses, made the following report:

[This report was made, (as the note in the Journal indicates,) relative to an account of John G. Chalmers; but no transcript of it can be found in the Journal, and the original being misplaced, a copy cannot be furnished for publication.]

Mr. Gillett, Chairman of the Select Committee, to whom was referred a bill, to be entitled, "An act, for the protection of the Christian Sabbath"—reported thereon.

Which report was read and received and laid upon the table, to come up with the orders of the day.

[The following Note is made in the Journal, concerning this report:—"Here insert No. three. "But the original is not appended or transcribed; and, consequently, a copy cannot be furnished for publication.]

Mr. Erath, Chairman of a Select Committee, made the following report:

To the Honorable Wm. F. Crump,

Speaker of the House of Representatives:

The Select Committee, to whom was referred divers bills, for the relief of Assignees of Land Certificates; have instructed me to report the accompanying bill, to be entitled, "An act, to provide for the issuing of Patents to the Assignees of good and genuine Land Certificates;" and to recommend its passage, with an amendment.

[Signed]

G. B. ERATH,
Chairman.

Which report was read and received, and laid upon the table, to come up with the orders of the day.

Mr. Tankersly asked an extension of time—in behalf of

the select Committee, of which he is Chairman—to report upon a bill, to be entitled, “An act, to provide for the assessment and Collection of direct taxes.”

Which request was granted.

Mr. Dupree introduced a bill, to be entitled, “An act, to provide for the detection and punishment of public defaulters.”

Which bill was read a first time.

Mr. Gillett introduced a bill, to be entitled, “An act, concerning Bonds and Promissory Notes.”

Which was read a first time.

On motion, the House proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled, “An act, establishing fees of office; was taken up.

Mr. Mabry moved, that the bill be laid upon the table.

The yeas and nays were called thereon, and stood as follows:

Yeas—Messrs. Speaker, Adams, Brown, Cazneau, Charlton, Clark, Cook, Cronican, Dupree, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gray, Gooch, Holland, Irion, Jones, Mabry, McClarty, McCulloch, Miller, Mullins, Pattillo, Pease, Perkins, Perry, Redgate, Russell, Savage, Stewart, Smith of Harris, Smith of Rusk, Sublett, Truitt, White, Williams and Willie:—38.

Nays—Messrs. Barry, Bourland, Dickson, Echols, Eddy, Hudson, Howard, Keenan, McFarland, McNeill, Milican, Muckleroy, Noble, Ogden, Ryburn and Stevenson:—16.

So the motion was carried, and the bill, laid upon the table.

On motion of Mr. Willie, a “Joint Resolution, for the relief of Charles B. Snow,” was taken up, and

Read a third time.

The yeas and nays were called; on the final passage of the bill, and stood as follows:

Yeas—Messrs. Speaker, Adams, Cazneau, Clark, Cooke, Cronican, Dupree, Durham, Echols, Edwards of Nacogdoches, Eddy, Erath, Gooch, Hudson, Howard, Irion, Jones, Keenan, Mabry, McClarty, McCulloch, McFarland, Ogden, Perkins, Perry, Railey, Redgate, Stevenson, Smith of Harris, Truitt, Williams and Willie—32.

Nays—Messrs. Barry, Bourland, Brown, Charlton, Dickson, Edwards of San Augustine, Gray, Holland, McNeill, Miller,

Milican, Muckleroy, Mullins, Noble, Battillo, Pease, Russell, Ryburn, Savage, Stewart, Smith of Rusk, Sublett and White
—23.

So the bill was passed.

A bill, to be entitled, "An act, to repeal the 4th section of an act, authorizing the consolidation and funding of the Public Debt; and prescribing the manner in which Certificates of the said funded debt shall be transferred—approved, June 7th, 1837;" was taken up—together with the substitute, therefor, reported by the committee on Finance.

Which substitute was read and adopted.

The Resolution, offered by Mr. Williams, on a previous day—relative to carrying out the principles of Democracy—right or wrong—was taken up; and,

On motion of Mr. Sublett, laid upon the table.

A bill, to be entitled, "An act, to facilitate the collection of bonds, bills, and promissory notes;" was taken up, and

Read a second time.

Mr. Howard proposed to amend the bill, by inserting the following:

"During the evening of the day, when any District Court is in session, the Judge shall open a Law School, for the benefit of persons who wish to go to law."

Mr. Mabry moved, that the bill and amendment be referred to the committee on the Judiciary.

Which motion was carried.

A message was received from the Senate, informing the House of the passage of the following bills, by that body:

A bill, to be entitled, "An act, requiring County Surveyors, to record certain Field Notes;"

A bill to be entitled, "An act, to apportion the liabilities of the county of Houston, between said county and the county of Anderson;"

A bill, to be entitled, "An act, defining the duties of Attorney General of the State of Texas;"

A bill, to be entitled, "An act, to prevent slaves from hiring their own time, or owners from hiring them to slaves, free negroes or mulattoes;"

A bill, to be entitled, "An act, to amend the first Section of an act—passed, the 14th of February, A. D. 1840—entitled, an act, authorizing the issuing of Duplicate Land Warrants, Discharges and Certificates, on certain conditions;" and

A bill, to be entitled, "An act, to define the time of holding the Courts, in the several Judicial Districts."

The House was also informed, that the Senate had appointed Messrs. Phillips and Robinson, to compose on the part of the Senate, a committee of conference, on a bill, to be entitled "An act, organizing County Courts." Also that they had refused to concur in the amendments of the House to a bill, to be entitled, "An act, requiring County Surveyors to record certain Field Notes;"

A bill, to be entitled, "An act, to authorize the Secretary of State, of the State of Texas, to exchange the literary productions of this State, for those of other countries;" was taken up, and

Read a second time.

Mr. Keenan moved, that the blank in the bill be filled with "three hundred dollars."

Which motion was carried.

On further motion, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, to incorporate the Colorado Mining Company;" was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Finance.

A bill, to be entitled, "An act, to deduct from the salaries of Officers, therein named, for neglect of duty;" was taken up, and

Read a second time.

Mr. Durham moved, that the bill be laid upon the table.

Which motion was lost.

On motion of Mr. McClarty, the bill was referred to the committee on the Judiciary.

A "Joint Resolution, instructing our Senators and requesting our Representatives, in the Congress of the United States, to procure indemnity from the General Government, by the passage of a Law, for the relief of the importers of goods from the United States to Texas—between the 31st of December, 1845, and the 16th of February, 1846;" was taken up, and

Read a second time.

On motion, the bill was referred to the committee on Finance.

A bill, to be entitled; "An act, to amend the first Section of an act—passed the 14th February, 1840—entitled an act, authorizing the issuing of Duplicate Land Warrants, Discharges and Certificates—on certain conditions;" was taken up, and

Read a first time.

A bill, to be entitled, "An act, to prevent slaves from hiring their own time, and owners from hiring them to slaves;" was taken up, and

Read a second time.

On motion of Mr. Mabry, the bill was referred to the committee on State Affairs.

A bill, to be entitled, "An act to define the time of holding the Courts, in the several Judicial Districts of this State;" was taken up, and

Read a first time.

On motion, the Rule, requiring bills to be read on three several days, was suspended.

The bill was then read a second time, and

On motion, referred to the committee on the Judiciary.

A message was received from his Excellency, the Governor, informing the House that he had approved and signed the following bills:

"An act, to provide for the registration of the separate property of married women;"

"An act, requiring the Courts of Tyler county, to be holden at Town Bluff, in said county, until the county Seat be permanently located;"

"An act, to legalize the several seals heretofore used by the Commissioner of the General Land Office;" and

"An act, to require the counties of Polk and Tyler, to pay a portion of the county debt of Liberty;"

A bill, to be entitled, "An act, to require County Surveyors to record certain Field-Notes;" was taken up—together with the amendments thereto, made by the House, in which the Senate had refused its concurrence.

On motion of Mr. Bourland, the House receded from its amendments.

A bill, to be entitled "An act, defining the duties of attorney General of the State of Texas;" was taken up—together with the amendments, thereto, made by the Senate.

The House rejected the second amendment, and concurred in the balance.

Mr. Mabry moved that the vote of the House just taken, rejecting the second amendment—be reconsidered.

Which motion was lost.

Mr. Howard, Chairman of the committee on Public Lands made the following report:

[There is no note in the Journal, indicating the subject of this report, and the original being misplaced, a copy cannot be furnished for publication.]

A bill, to be entitled, "An act, to provide for the relief of all persons, who have been permanently disabled, by wounds, received in the service of Texas;" was taken up, and

Read a first time.

Mr. Edwards of San Augustine moved, that the Rule, requiring bills to be read on three several days, be suspended.

The yeas and nays were called, thereon, and stood as follows:

Yeas—Messrs. Speaker, Adams, Barry, Brown, Cazneau, Charlton, Clark, Cooke, Cronican, Dickson, Durham, Edwards of San Augustine, Eddy, Gillett, Gilliam, Gooch, Holland, Howard, Irion, Jones, Keenan, Mabry, McClarty, McCulloch, McFarland, McNeill, Milican, Muckleroy, Mullins, Noble, Ogden, Pattillo, Pease, Perkins, Perry, Redgate, Savage Stewart, Smith of Harris, Smith of Rusk, Swift, White and Williams—43.

Nays—Messrs. Burroughs, Dupree, Echols, Miller, Ryburn and Truitt—6.

So the House suspended the Rule.

The bill was then read a second time; and

On further motion of Mr. Edwards, referred to a Select committee.

The Speaker appointed Messrs. Erath Burroughs, Perkins, Truitt, and Smith of Harris, to compose said committee.

On motion of Mr. Brown, a committee of Conference, on the part of the House, was appointed, to take into consideration the subject matter of disagreement, on the bill, to be entitled, "An act, organizing Patrols."

The Speaker appointed Messrs. Brown, Dupree and Cazneau, to compose said committee of Conference.

Mr. Brown moved, that a bill, to be entitled, "An act, to provide for the election of officers, in Dallas county," be taken up.

Which motion was carried.

The bill was then taken up and read a second time.

On further motion the bill was ordered to be engrossed.

Mr. Pease, by leave, introduced a bill, to be entitled, "An act, to authorize the County Court of Brazoria county, to have a duplicate made of the Record Book of Deeds and other instruments of writing—numbered and known as "Book C," in the office of the Clerk of said county."

Which bill was read a first time.

Mr. Perkins moved, that the rule, requiring bills to be read on three several days, be suspended.

Which motion was carried.

The bill was then read a second time; and

On further motion, referred to the committee on the Judiciary.

On motion of Mr. Stewart, Mr. White was added to the committee on Contingent expenses.

Mr. Ryburn, by leave, introduced a bill, to be entitled, "An act, providing for the election of officers, in the county of Denton."

Which was read a first time.

On motion of Mr. Echols, the House adjourned until to-morrow, 9 o'clock.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, THURSDAY, }
April 30th, 1846. }

The House met, pursuant to adjournment.

The roll was called; and the following members answered to their names:

Messrs. Speaker, Bourland, Brown, Burroughs, Cazneau, Charlton, Clark, Cronican, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gilliam, Gooch, Holland, Irion, Jones, Keenan, Mabry, McClarty, McCulloch, McFarland, McNeill, Miller, Milican, Noble, Pattillo, Pease, Perkins, Perry, Redgate, Russell, Ryburn, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Tankersly, Truitt, White, Williams and Willie.

A quorum being present, the House proceeded to business.

The Journal of the preceding day was read and adopted.

Mr. Cronican presented the petition of Thomas F. McKinney.

Which was read, and

On motion of Mr. Brown, was referred to a Select Committee.

The Speaker appointed Messrs. Cronican, Brown, and Miller, to compose said committee.

Mr. Gray, Chairman of the committee on the Judiciary, made the following report:

[This report was made upon a bill, to be entitled, "An act, to establish the mode of trying the right of property, levied on under execution;" but no transcript of it was made into the Journal, and, the original being misplaced, a copy cannot be furnished for publication.]

Which report was read and laid upon the table, to come up with the orders of the day.

Mr. Gray, Chairman of the committee on the Judiciary, also made the following report:

COMMITTEE ROOM, }
April 28th, 1846. }

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives:

The committee on the Judiciary have considered a bill, to be entitled, "An act, proposing amendments to the Constitution—providing for the election of Judges and District Attorneys, by the people;" and a majority of the committee instruct me to report, that they deem it wholly *inexpedient*, to act on the proposed measure

Time does not allow a full statement of the *reasons*, which influence the majority; but the following are some of them:

The present provisions of the Constitution, on the subject of the Judiciary, meet with the approval of a large majority of the people, themselves; and the majority of the committee believe, that the people do not desire the election of Judges to be thrown before them. They believe that the present mode of appointment is decidedly the best that can be adopted.—The judicial history of our sister States, clearly shows that those courts—the Judges of which are appointed by the Executive—hold the highest rank.

In our own State, time has not been allowed, for even a *trial* of the present mode of appointment; and no reasons, satisfactory to the majority, have been given, why a change should be made. They cannot understand why a system, which has resulted beneficially elsewhere, could not be equally beneficial *here*, under like circumstances.

Hasty action generally produces evil consequences, and is to be deprecated. Changes ought not to be made, unless shown, by experience, to be imperiously necessary—and, especially, in the law of the land. Surely, no evil consequences have, thus far, resulted from the present plan of appointment. The Judges appointed, it is believed, are generally acceptable to the community at large; and if not, it does not follow, that they will not make good Judges.

For the reasons, thus briefly given, and many others, which will readily suggest themselves, a majority of the committee recommend the indefinite postponement of the bill.

[Signed]

P. W. GRAY,
Chairman.

Which report was read and received, and laid upon the table, to come up with the orders of the day.

Mr. Willie, in behalf of the minority of the committee on the Judiciary, made the following report :

COMMITTEE ROOM, }
April 30th, 1846 }

*To the Honorable Speaker
of the House of Representatives:*

The undersigned, a minority of the committee on the Judiciary, dissenting from the report of the majority, ask leave to present to the House, their *opinions* upon a "Joint Resolution, proposing to amend the Constitution of the State, so as to refer to the people, the election of Judges and District Attorneys."

The objections of the majority are based upon the grounds, that it is *impolitic* to propose, at so early a day, an amendment of the Constitution; and upon the general principle, that the people are not the proper power, with whom to trust the election of judicial officers. If the present system of appointment is radically defective—as the undersigned believe it to be—they can see no good reason for enduring the evil longer. To acknowledge the existence of a defect, which is susceptible of correction; and to bear the evil, simply from an aversion to *change*, does not appear, to the undersigned, to be the part of wisdom.

It is inconsistent with the genius and spirit of a free people, to *endure a wrong which they have the power to correct*. The proposed alteration, the undersigned believe, will be a salutary change; and they do not hesitate to recommend the measure.

Under the Constitution, the power of appointing Judges, is lodged with the Executive—subject to the confirmation of the Senate. The reason of filling the office in this mode, is based upon the general idea, that the Judge, who is to administer justice, should be placed in a position, *independent of the people*, and thereby secure impartiality in his decisions. We view *this idea* as *founded in error*. There is but one security which can be thrown around the rights of the people, in a court of justice, and that security is the *honesty* and *capacity* of the Judge. It is vain to endeavor to render any officer impartial and just, simply by making him independent, if he lacks *honesty* and *capacity*. How, then, shall we best provide such a method of appointing Judges, as will attain the great object desired? The undersigned are constrained to believe, that the

purest source of power is the people themselves. It is a strange *anomaly* to say that those who elect the appointing power, are not as well capable of electing the officer to be appointed. The Executive has no legitimate mode of ascertaining the qualifications of an applicant for office—except through the *reputation* which such an applicant may enjoy. If he looks to any other source of information, or makes the appointment from any other *motive*, the *power* becomes one of *dangerous character*; and opens wide the door of *favoritism*. But it may be said that the Senate is a check upon the Executive. This is equally an error. The Senators, who may represent a particular Judicial District, have it in their own hands, either to confirm or reject the appointment of *any* Judge, who may be nominated by the Executive; and experience has shown, that in any Legislative body, as much *trick* and *management* is resorted to, for the purpose of securing office, as could possibly be practised before the people.

The most natural method—and the only one which is consistent with the doctrine of republicanism—is, to give to the people, themselves, immediately and directly, the election of their officers. We hear it said, that a multiplicity of elections is a great evil, and a great inconvenience, to the electors. It is a matter of much doubt, however, whether the people appreciate the kind intentions of those, who are so desirous, (in order to promote the general good,) of relieving them of the *trouble and inconvenience of governing themselves*.

The undersigned believe, with some amendments, the Joint Resolution in question, deserves the favorable consideration of the House.

In regard to the election, by the Legislature, of District Attorneys, there can be no doubt of the necessity of some change, and they prefer the easy and natural one, suggested by the Resolution.

All of which, they most respectfully submit, for the consideration of the House.

[Signed]

{ J. WILLIE,
JAMES S. GILLET,
EDWARD CLARK,
E. M. PEASE,
C. F. McCLARTY.

Which report was read and received, and laid upon the table, to come up with the orders of the day.

Mr. White moved, that a call of the House be made.

Which motion was carried.

On motion of Mr. Cazneau, a further call of the House was suspended.

Mr. Gray, Chairman of the committee on the Judiciary, made the following report:

COMMITTEE ROOM, }
April 29, 1846. }

*To the Honorable Speaker of the
House of Representatives:*

The committee on the Judiciary have considered a bill, to be entitled, "An act, authorizing the County Court, of Brazoria county; to have a Duplicate made, of the Record Book, of Deeds and other instruments of writing, numbered and known as BOOK C, in the office of the Clerk of said county," and instruct me to report the same—without amendment—and to recommend its passage.

[Signed]

P. W. GRAY,
Chairman.

Which report was read and received, and laid upon the table, to come up with the orders of the day.

Mr. Gray, Chairman of the committee on the Judiciary, also made the following report:

COMMITTEE ROOM, }
April 28, 1846 }

*To the Honorable Speaker
of the House of Representatives:*

The committee on the Judiciary, have considered a bill, to be entitled, "An act, to secure the right of volunteers in the Naval service of Texas, to their bounty lands," and the amendments made thereto, by the House. There is much doubt, in the minds of the majority of the committee, whether it was ever designed, by the laws heretofore in force, to extend to Volunteers in the Navy, Grants of Bounty Land. There was, certainly, no *clear* right to it, else the Government would, long ago, have issued the *script* for the claims.

The claim, in behalf of Naval Volunteers, is so old, and rests on such uncertain grounds; and (*as it is said*,) there are so few, now living, who could be benefited by this law, that a majority of the committee deem it safer to leave the whole matter as it now stands. Wherefore, they instruct me, to report unfavorably on the bill.

[Signed]

P. W. GRAY,
Chairman.

Which report was read and received, and laid upon the table, to come up with the orders of the day.

Mr. Gray, Chairman of the committee on the Judiciary, also made the following report:

COMMITTEE ROOM, }
April 29, 1846. }

*To the Honorable Speaker
of the House of Representatives:*

The committee on the Judiciary, have considered a bill, to be entitled, "An act, to organize the Supreme Court of the State of Texas"—originating in the Senate; and also, a bill, to be entitled, "An act, to establish the Supreme Court"—originating in the House; and they instruct me to report the enclosed amendments, to the bill from the Senate; the adoption of which they recommend.

A majority of the committee, further instruct me to report, that they are in favor of a division of the State, into two or more supreme Judicial Districts; and recommend the adoption of a substitute for the second section of the bill, so as to effect that object.

A minority dissent, on this subject, and recommend that the Court be held at only one place—wherever that may be.

[Signed]

P. W. GRAY,
Chairman.

Which report was read and received, and laid upon the table, to come up with the orders of the day.

Mr. Clark, Chairman of the committee on State Affairs, made the following report:

COMMITTEE ROOM, }
April 30th, 1846. }

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The committee on State Affairs, to which was referred a bill, to be entitled, "An act, requiring the county of Titus, to pay a portion of the debt of the county of Red River," have had the same under consideration, and, at the request and suggestion of those interested, have added the following proviso, to come in at the end of the third section:

"Provided, That this act, shall so take effect, as to compel the citizens of that part of Titus county, which was formerly a part of Bowie county, to pay alone their proportional part, of that part of the debt of Red River county, which was con-

tracted whilst said territory was a portion of Red River county."

Change the second section of the bill, so as to make it number as section fourth..

With which amendments, the committee herewith return the bill to the House, and recommend its passage.

[Signed]

E. CLARK,
Chairman.

Which report was read and received, and laid upon the table, to come up with the orders of the day.

Mr. Brown, Chairman of a Select committee, made the following report:

*To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:*

The Select committee, to whom was referred a bill, to be entitled, "An act, for the relief of Travis G. Broocks" have had the same under consideration, and have instructed me to report:

That, from the best information your committee have been able to obtain, the said Broocks has been uniformly punctual, in the payment of duties upon goods imported by him; and the relief sought to be obtained, by said bill, consists in relieving said Brooks from the payment of duties, upon goods which were consumed by fire. They therefore, recommend the passage of the bill.

[Signed]

JOHN BROWN,
Chairman,

Which report was read and received, and laid upon the table, to come up with the orders of the day.

A message was received from the Senate, informing the House of the passage of the following bills, by that body.

A bill, to be entitled, "An act, for the relief of John Karner;"

A bill, to be entitled, "An act, to authorize the Commissioner of the General Land Office, to issue a patent to Joseph McGee;"

A bill, to be entitled, "An act, prescribing the duties and powers of the Commissioners, appointed to locate the County Seats of Panola and Upshur counties;"

A bill, to be entitled, "An act, requiring the County Treasurer of Paschal county, to pay over all monies, remaining in his

hands on the abolishment of his office, as County Treasurer of said county ;”

A bill, to be entitled, “An act, to provide for raising a jury-fund ;”

A bill, to be entitled, “An act, to authorize the Governor, to appoint a Private Secretary ;”

A substitute for the bill, from the House, to be entitled, “An act, to have the lines surveyed, between the counties of Robertson and Limestone, Limestone and Leon, and Leon and Navarro ;”

A bill, to be entitled, “An act, providing for the payment of the Commissioners, appointed by the several acts passed, creating new counties—when there are no provisions made, in said acts, for their payment ;”

A bill, to be entitled, “An act, to fix the times for holding elections, for members of the Congress of the United States ;”

A bill, to be entitled, “An act, to repeal an act, supplementary to an act, to regulate the proceedings in civil suits—approved, fifth February, eighteen hundred and forty—which supplementary act, was approved twenty-seventh June, eighteen hundred and forty-five ;”

A bill, to be entitled, “An act’ requiring the holders of Land Claims, to locate the same ;”

A bill, to be entitled, “An act, to establish a General Land Office of the State of Texas ;” and

A bill, from the House, to be entitled, “An act, providing how new counties, made by this Legislature, out of the territory of Nacogdoches county, shall pay their portion of the debt, due by said county of Nacogdoches”—with amendments.

Also, that they had adopted the report of the committee of Conference, on the bill, to be entitled, “An act, to provide for the appointment of Patrols ; and to prescribe their duties and powers.”

Also, that they had refused to recede from their amendments to a bill, to be entitled, “An act, regulating appeals to the Supreme Court, in criminal cases ;” and had appointed a committee of Conference, to take into consideration the subject matter of disagreement.

Mr. Willie moved that a committee of Conference be appointed, on the part of the House, to act with a like committee appointed by the Senate, on the bill, to be entitled, “An act, regulating appeals to the Supreme Court, in criminal cases.”

Which motion was carried.

The Speaker appointed Messrs. Willie, Ogden, and Pease, to compose said committee.

Mr. Gillett, Chairman of the Select committee, to whom was referred a bill, to be entitled, "An act, defining the office and duties of Sheriff," reported thereon.

Which report was read and received, and laid upon the table, to come up with the orders of the day.

[This report has been misplaced, and no transcript of it having been made into the Journal, a copy cannot be furnished for publication.]

On motion of Mr. Russell, Mr. Mabry was added to the committee, to whom was referred the "General appropriation bill."

Mr. Echols introduced the following resolution:

Resolved, That the two Houses of the Legislature, go into the election of a Senator to the Congress of the United States, on the — day of May; for the term of six years, from the fourth day of March, eighteen hundred and forty-seven."

Which resolution was read, and laid on the table one day, for consideration.

On motion of Mr. Milican, the House proceeded to the

ORDERS OF THE DAY.

A bill, to be entitled, "An act, to prescribe the mode of transferring the Consolidated, Funded Debt;" was taken up,

Read a third time and passed.

A bill, to be entitled, "An act, to authorize Thomas Cox, to liberate certain slaves, therein named;" was taken up—together with the report thereon, made by the committee on the Judiciary.

Mr. Sublett offered a substitute for the bill;

Which was read and adopted.

Mr. Charlton proposed to amend the bill, by inserting the following:

Provided, That after said slaves are liberated, he shall be compelled to remove them from the State."

Which amendment was rejected.

Mr. Pease moved, that the *proviso*, in the first section of the bill, be stricken out; and the following inserted, in lieu thereof:

Provided, That nothing in this act, shall be so construed, as to permit said slaves to reside in this State, after they are liberated."

Which amendment was rejected.

Mr. Mabry moved, that the bill be indefinitely postponed.

The yeas and nays were called thereon, and stood as follows:

Yeas—Messrs. Speaker, Burroughs, Charlton, Dickson, Edwards of San Augustine, Gillett, Irion, Mabry, Muckleroy, Pease, Perkins, Perry, Russell, Ryburn, Smith of Harris, White, and Williams—17.

Nays—Messrs. Adams, Barry, Bourland, Brown, Cazneau, Clark, Cronican, Dupree, Durham, Echols, Edwards of Nacogdoches, Eddy, Gray, Gilliam, Gooch, Howard, Keenan, McClarty, McCulloch, McFarland, McNeill, Miller, Milican, Noble, Ogden, Pattillo, Redgate, Savage, Stevenson, Stewart, Swift, Sublett, Tankersly, Truitt, and White—35.

So the motion, for the indefinite postponement of the bill, was lost.

On motion of Mr. Echols, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, requiring Chief Justices, Clerks of the County Court, Clerks of the District Court, County Treasurers and County Surveyors, to reside and keep their offices permanently, at the County Seat;" was taken up, and
(Read a second time.

Mr. Bourland moved, that the words, "reside and," be stricken out.

Mr. Edwards of Nacogdoches, proposed to insert, as a substitute for Mr. Bourland's amendment, the words—"shall reside, in person or by Deputy, at the County Seat."

Which amendment was rejected.

Question—Shall the amendment, offered by Mr. Bourland, to the bill now under consideration of the House, be adopted?

The House decided the question in the affirmative.

Mr. Durham moved, that the words, "Chief Justices," in the first section of the bill, be stricken out.

Which motion was lost.

Mr. Russell moved, that the words, "reside or," in the second section of the bill, be stricken out.

Which motion was carried.

Mr. Dupree moved, that the words, "that they shall be required to keep their offices open every day—Sundays excepted"—be inserted in the bill.

Which amendment was adopted.

Mr. Durham moved, that the bill be indefinitely postponed.

Which motion was lost.

On motion, the bill was passed to a third reading.

Mr. Dupree moved, that the rule, requiring bills to be read on three several days, be suspended.

Which motion was carried.

The bill was then read a third time and passed.

A message was received from the Senate, informing the House of the passage of the following bills, by that body:

A bill, to be entitled, "An act, regulating elections"—with amendments;

A bill, to be entitled, "An act, to organize Justices' Courts, and to define the powers and jurisdiction of the same;" and

A bill, to be entitled, "An act, to incorporate the La Vaca, Guadalupe, and San Saba Railroad company."

Mr. Eddy moved, that the vote of the House, passing a bill, to be entitled, "An act, to require county officers to reside, and keep their offices, at the County Seat," be reconsidered.

Which motion was carried.

Mr. McNeill moved, that the vote of the House, suspending the Rule, requiring bills to be read on three several days, be reconsidered.

Which motion was carried.

Mr. Sublett offered to amend the bill, by striking out of the caption thereof, the word "reside," and inserting, in lieu thereof, the words, "keep their offices at the County Seat."

Which amendment was adopted.

On motion of Mr. Perkins, the bill was then referred to the committee on the Judiciary.

Mr. Tankersly, by leave, reported verbally, a substitute for a bill, to be entitled, "An act, to define the duties of Assessor and Collector of taxes."

Which substitute was read and adopted.

Mr. Tankersly moved, that the first blank in the bill be filled with eight.

Which motion was carried.

On further motion of Mr. Tankersly, the second blank in the bill, was filled with five.

Mr. Tankersly then moved, that the third blank, be filled with four.

Which motion was carried.

On further motion, the fourth blank in the bill, was filled with three; and the fifth blank, with one.

Mr. Tankersly moved, that the blanks, in that portion of the bill relating to Collecting, be filled with the same amounts as are in the portion relative to Assessing.

Which motion was carried.

Mr. Stewart moved, that the vote of the House, adopting the substitute, be reconsidered.

Which motion was lost.

Mr. Stewart then moved, that the bill be laid upon the table, until to-morrow, ten o'clock, A. M.

Which motion was lost.

Mr. White moved, that the bill be read again.

Which motion was carried.

The Clerk then proceeded to read the bill.

Mr. Dupree moved, that the House adjourn, until half-past three o'clock, P. M.

Which motion was lost.

Mr. Stevenson moved, that the House adjourn, until to-morrow morning nine o'clock.

Which motion was lost.

On motion of Mr. Gray, the House adjourned, until three o'clock, P. M.

THREE O'CLOCK, P. M.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Bourland, Brown, Burroughs, Cazneau, Charlton, Clark, Cronican, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gilliam, Gooch, Holland, Irion, Jones, Keenan, Mabry, McClarty, McCulloch, McFarland, McNeill, Miller, Milican, Noble, Pattillo, Pease, Perkins, Perry, Redgate, Russell, Ryburn, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Tankersly, Truitt, White, Williams and Willie.

A quorum being present, the House proceeded to business.

On motion of Mr. Echols, a bill, to be entitled, "An act, providing for the collection of costs, in the District Court," was withdrawn from the committee on the Judiciary, and referred to a Select committee.

The Speaker appointed Messrs. Echols, Brown, Dupree, Edwards of San Augustine, and McNeill to compose said committee.

A bill, to be entitled, "An act, to provide for the assessment and collection of taxes," being under consideration,

Mr. Clark moved, that the bill be read by its sections.

Which motion was lost.

Mr. Tankersly moved, that the blank in the bill, be filled with the words, "five per cent."

Which motion was carried.

Mr. Echols moved, that the bill be passed!

On motion of Mr. Tankersly, a call of the House was made.

On motion of Mr. Stevenson, a further call of the House was suspended.

The question then recurred, on the final passage of the bill.

The yeas and nays were called thereon, and stood as follows:

Yeas—Messrs. Adams, Barry, Bourland, Brown, Charlton, Clark, Cronican, Dickson, Echols, Erath, Gillett, Gilliam, Holland, Keenan, Mabry, McNeill, Miller, Muckleroy, Mullins, Noble, Ryburn, Savage, Stewart, Smith of Harris, Swift, Tankersly, Truitt, and Willie—29.

Nays—Messrs. Speaker, Burroughs, Cazneau, Dupree, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gooch, Howard, Irion, Jones, McClarty, McCulloch, Milican, Pattillo, Pease, Perkins, Perry, Redgate, Russell, Stevenson, Smith of Rusk, Sublett, White, and Williams—26.

So the bill was passed.

A bill, to be entitled, "An act, to establish a State Penitentiary;" was taken up, and

Read a second time.

Mr. Willie moved, that the bill be laid upon the table, and that one hundred copies of it be printed, for the use of the House.

Which motion was lost.

Mr. Dupree moved, that the bill be amended, by inserting the words, "have due respect to donation."

Which amendment was adopted.

Mr. Mabry proposed to amend the bill, by inserting the words—"said Penitentiary shall be between the Trinity and Colorado rivers."

Which amendment was rejected.

Mr. Willie offered to amend, by inserting the words, "the site shall be East of the Trinity river;"

Mr. Bourland proposed, to amend the amendment, by inserting "South of thirty three degrees."

Which amendment was rejected.

Questions—Shall the amendment, proposed by Mr. Willie, to the bill now under consideration of the House, be adopted?

The House decided in the negative.

Mr. Howard offered the following as an amendment to the bill:

Provided, That this act, shall not go into effect, until after the year 1850."

Mr. Tankersly offered to amend the amendment, proposed by Mr. Howard, by striking out "1850," and inserting, in lieu thereof, "1847."

Which amendment was rejected:

Question—Shall the amendment, proposed by Mr. Howard, to the bill now under consideration of the House, be adopted?

The House decided in the negative.

The yeas and nays were then called, on the passage of the bill to a third reading, and stood as follows:

Yeas—Messrs. Bourland, Brown, Burroughs, Charlton, Clark, Dickson, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gillett, Gilliam, Gooch, Holland, Keenan, Mabry, McCulloch, McFarland, McNeill, Miller, Millican, Mullins, Noble, Pattillo, Pease, Perkins, Redgate, Russell, Savage, Stevenson, Stewart, Smith of Harris, Swift, Sublett, Tankersly, Truitt and White:—39.

Nays—Messrs. Speaker, Cazneau, Gronican, Dupree, Erath, Gray, Howard, Irion, McClarty, Ryburn, Smith of Rusk, Williams and Willie:—13

So the bill was passed to a third reading.

A bill, to be entitled, "An act, concerning Bonds and Notes; "was taken up, and,

Read a second time.

On motion of Mr. White, the bill was referred to the committee on the Judiciary.

On motion of Mr. Brown, a call of the House was made.

On motion of Mr. Charlton, a further call of the House was suspended.

Mr. Russell, Chairman of the committee on Engrossed Bills, made the following report:

[This report was not copied into the Journal; and the original being misplaced, a transcript cannot be furnished, for publication.]

Mr. Irion; Chairman of the committee on County Boundaries, made the following report:

[No transcript of this report, was made into the Journal; and, the original being misplaced, a copy cannot be furnished, for publication.]

Which report was read and received, and laid upon the table, to come up with the orders of the day.

On motion of Mr. Dupree, a bill, to be entitled, "An act, es-

establishing a General Land Office of the State of Texas," was taken up, and,

Read a first time.

Mr. McNeill moved that the Rule, requiring bills to be read on three several days, be suspended.

Which motion was lost.

A bill, to be entitled, "An act, providing for the election of officers of Denton County;" was taken up, and

Read a second time.

On motion of Mr. McNeill, the bill was referred to the committee on Privileges and Elections.

The report of the committee on Contingent Expenses—relative to the amount claimed by John G. Chalmers, for contingent printing—was taken up.

Read and adopted.

A bill to be entitled, "An act, to amend the first section of an act—approved, February 14, 1840—Authorizing the issuing of Duplicate Land Warrants, Discharges and Head-Right Certificates;" was taken up, and

Read a second time.

On motion of Mr. Willie, the bill was referred to the committee on Public Lands.

A bill, to be entitled, An act, to provide for issuing Patents to claimants—on all good and genuine, unconditional Head Right Land Certificates;" was taken up—together with the amendments thereto, reported by the Select Committee.

Which amendments were read and adopted.

On motion, the bill was then ordered to be engrossed.

A bill, to be entitled, "An act, requiring the Commissioner of the General Land Office, to issue Patents, in certain cases,;" was taken up, and

Read a third time.

On motion of Mr. Brown, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, to provide for the detection and punishment, of Public Defaulters;" was taken up, and

Read a second time.

On motion, the bill was referred to the committee on the Judiciary.

A bill, to be entitled, "An act, for the protection of the Christian Sabbath; was taken up—together with the amendments thereto, reported by the Select Committee.

The first and second of which amendments were adopted.

Question—Shall the sixth Section of the bill be stricken out?

Mr. Perkins moved, that the report of the Committee be adopted.

Which motion was carried.

On motion of Mr. Gilliam, the bill was then laid upon the table.

On motion of Mr. Howard, the House adjourned until tomorrow, nine o'clock, A. M.

HOUSE OF REPRESENTATIVES,
CITY OF AUSTIN, FRIDAY.
May 1st, 1846.

The House met,

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Bourland, Brown, Burroughs, Charlton, Clark, Cooke, Cronican, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Holland, Howard, Hudson, Irion, Jones, Keenan, Mabry, McFarland, McNeill, Miller, Milican, Muckleroy, Mullins, Ogden, Pattillo, Pease, Perkins, Perry, Rayner, Redgate, Russell, Ryburn, Sadler, Savage, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Swift, Tankersly, Truit, White, Williams. and Willie.

A quorum present.

Journal of the preceding day read and adopted.

Mr. Tankersly made the following report, which was read and adopted:

COMMITTEE ROOM,
May 1st, 1846.

To the Honorable Speaker

of the House of Representatives:

The committee on Finance, who by resolution, have been required to ascertain and report to the House of Representatives the amount of money in the Treasury at the present time, the amount due and accruing to the late Republic of Texas,

the amount thereof which will be probably received during the present year, and the available means which was in the Treasury on the 19th February, 1846. Having obtained this information through the Comptroller of Public accounts, beg leave, herewith, to submit to the House, that officer's communication, which, in the opinion of your committee, contains a fair statement of the amount of means, which will probably be at the disposition of the State during the present year.

[Signed]

BENJ. F. TANKERSLY,
Chairman.

COMPTROLLER'S OFFICE,
AUSTIN, April 29, 1846. }

Honorable B. F. Tankersly,
Chairman Finance Committee,
House of Representatives:

SIR—In answer to a Resolution of the House of Representatives, communicated through you, requiring the Finance Committee to inquire and report to the House, what amount of money is at present in the Treasury, the amount which is due and accruing to the late Republic of Texas, which will probably be received during the present year, and what amount was available on the 19th of February, last. I have the honor to state, that there is at present in the Treasury about \$20,240,00. In relation to the amount owing to the late Government, and which will probably be received, during the current year; I would remark, that the returns from most of the Sheriffs and County Treasurers, and some of the Custom House returns have not been received. I therefore, in many instances, have to make an estimate of the amount; the following, however, may be considered as bordering on what may be actually received in available currency:

Amount from Custom returns,	: : : : : :	\$19,500,00
“ “ Direct Taxes,	: : : : : :	12,000,00
“ “ License, “	: : : : : :	4,500,00
Amount of Indemnity due from United States, for forcibly entering Custom House, on Red River, by citizens of that country.	: : : : : :	54,000,00
Advanced by the late Government, at the request of General Taylor, to the Government of the United States.	: : : : : :	13,583,51

\$103,583,51

The above amount claimed as indemnity for the outrage.

committed by the citizens of the United States, on Red River customs, was admitted by the United States Government, and some months ago it was supposed that its prompt recovery might be counted on; but as the United States Congress have, as yet been tardy in appropriating any amount for the claim, its immediate payment is now looked upon as less certain. It is to be hoped however, that provisions will eventually be made for satisfying a claim so just in itself, and one for which the honor of the General Government is pledged.

In addition to the foregoing amount, there are suits pending to the amount of about \$27,600—for the recovery of money had and received by collecting officers, and by them failed to be paid over according to their official engagements. There is also pending in the District Court of Harrison county, against individuals, for a violation of the Revenue Laws, suits to the amount of \$223,065.53 which were instituted by the District Attorney, at the instance of the late Collector. Similar actions are pending in the Collector's District of San Augustine, to what amount, this office is not at present advised. A still further sum of \$26,189.79 is due by Sutlers attached to the United States army, for duties on goods imported by them during the existence of the late Government.

It would not be safe, however, to make any certain calculation, that the proceeds of the last two items will be immediately available to the State, especially the latter, whose collection is not favored by the United States Government. The first, however, or at least a portion of it, will probably be paid during the present year.

I have only taken into consideration the amount which is likely to be received in available means, and which can be relied upon for the support of the Government of the State for the present year, leaving out of the calculation the drafts payable in Direct Taxes and the Exchequer Bills at present in circulation, which, judging from the tenor of the resolution, is the object of the enquiry. The available funds in the hands of the Treasurer, on the 19th of February, last, amounted to \$19,297.51; and from that date, to the present there has been disbursed by that Officer, about \$25,500.00.

Very respectfully,

Yours &c.,

[Signed]

JAMES B. SHAW,
Comptroller.

Mr. Clark made the following report, which was read and adopted:

COMMITTEE ROOM, }
APRIL 30, 1846. }

To the Honorable Wm. E. Crump,
Speaker of the House of Representatives.

The Committee on State Affairs, have considered a bill, entitled, "An act, to prevent bringing into this State, slaves who have been guilty of certain crimes;" and a majority of them have instructed me to report said bill back to the House, and recommend that it be laid on the table.

[Signed]

E. CLARK,
Chairman.

Mr. Clark, Chairman of the committee on State Affairs, to whom was referred a bill, to prevent slaves from carrying Fire Arms;" made the following report, which was laid upon the table, to come up with the orders of the day:

[This report was not copied into the Journal, and the original being misplaced, a copy cannot be furnished for publication.]

Mr. Clark, chairman of the committee on State Affairs to whom was referred a bill, to prevent slaves from hiring their own time;" made the following report which was read and laid on the table, to come up among the orders of the day.

[This report was not copied into the Journal, and the original being misplaced, a copy cannot be furnished for publication.]

Mr. Clark, chairman of the committee on State Affairs, to whom was referred a bill, to define the duties of Secretary of State, made the following report, which was read and laid upon the table, to come up among the orders of the day:

[This report was not copied into the Journal, and the original being misplaced, a copy cannot be furnished for publication.]

Mr. Rayner made the following report, which was read and adopted:

COMMITTEE ROOM, }
April 30, 1846. }

To the Honorable Wm. E. Crump,
Speaker of the House of Representatives:

The committee on Claims and Accounts, acting with a like committee from the Senate, to whom was referred the memorial of George W. Terrell; ask leave to report:

That they have had the same under consideration, and return the same to the Senate without taking any action there-

on; and believing that the finances of the State would not justify granting the prayer of the memorialist. Your committee ask leave to be discharged from the further consideration of the subject.

[Signed]

WM. M. WILLIAMS,
Chairman, Committee of the Senate.
WM. S. RAYNER,
Chairman, Com. of the House Rep.

Mr. Russell, chairman of the committee on Engrossed Bills reported that they had examined:

"A bill, to regulate proceedings in cases of forcible entry and detainer;" also

"A bill, to incorporate the Sabine Navigation Company;" also,

"A bill, creating the seat of justice of Leon county;" also,

"A bill, providing for the Election of Officers in Dallas county;" also,

"A bill, authorizing the Secretary of State to exchange the Literary works of this country, for those of other countries;" and find the same correctly engrossed.

Which report was read and adopted.

Mr. Bourland introduced the following resolution:

"Resolved, That the Comptroller of Public Accounts, be requested to transmit to this House, a statement of the amounts of all appropriations made for Indian purposes, made since the first of January 1841. How much of the same has been legally disbursed, and what amount has been drawn from the Treasury, for which there are no legal vouchers, and by whom drawn."

Read and laid upon the table, one day, for consideration.

Mr. Erath introduced a bill, to define more definitely the North Western boundary line of Milam county.

Read a first time.

Rule suspended.

Read a second time; and

On motion of Mr. Erath, referred to a Select Committee, composed of the Representatives of Milam and Bexar counties.

The chair appointed Messrs. Erath, Ogden and Howard, said committee.

Mr. Eddy, one of the committee on Engrossed Bills, reported that they had examined and find correctly engrossed:

A bill, to provide for the registry of Deeds, and other instruments of writing.

Which report was read and adopted.

Mr. Savage introduced a Bill, to incorporate the "Galveston German Friendship Texian Association."

Read a first time.

On motion of Mr. Stewart, Mr. Miller was added to the committee on Education. The

ORDERS OF THE DAY

Were taken up.

A bill to provide for the appointment of Patrols, with the report of the committee of conference, was taken up and report adopted.

A bill, to legalize certain surveys in Bexar county, by the Surveyor of Bastrop county, was taken up, and

On motion of Mr. Mabry, referred to a select committee.

The chair appointed Messrs. Mabry, Pease and Tankersly, said committee.

A message was received from the Senate informing the House that they had passed a Bill authorizing the Governor to have procured a full set of weights and measures, for the benefit of the several counties of this State, in conformity with the standard now used by the Government of the United States:" also

"A bill defining the duties of the Attorney General of the State of Texas;" and also

Had passed a Resolution to meet the House at three o'clock P. M. to count the votes cast for Governor and Lieutenant Governor duly returned prior to the 17th day of February 1846 which by some error or mistake were overlooked or mislaid in the State Department, and that they have adopted a Resolution to adjourn, *Sine Die* on the 30th April, with an amendment to adjourn on the 11th of May.

Mr Swift introduced a Joint Resolution authorizing the Governor to procure the plates upon which the Exchequer Bills and promissory notes of the Republic of Texas were printed.

Read a first time.

Rule suspended.

Bill read a second time, by its caption, and referred to the committee on State Affairs.

A bill, providing how the counties formed out of the Territory of Nacogdoches county, shall pay a portion of the debt due by the said county, with amendments to the bill from the Senate, was taken up, and

The House refused to concur in the amendments.

A Bill regulating Elections with amendments was taken up, and the first, second, third, fourth, fifth, sixth, seventh and twelfth amendments concurred in; the House refusing to concur in the eighth, ninth and eleventh amendments.

A bill, to establish a General Land Office for the State of Texas, was taken up, and

Read a second time.

Mr Pearce moved, to refer the bill to the committee on the Land Office.

The yeas and nays being called, stood:

Yeas—Brown, Clark, Dupree, Echols, Edwards of Nacogdoches, Erath, Eddy, Gray Gillett Howard, Irion, Jones Keenan, McCulloch, McNeill, Muckleroy, Noble, Ogden Pease, Perkins, Rayner, Redgate, Stevenson Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truitt, White and Willie—32.

Nays—Messrs. Speaker, Adams, Barry, Bourland, Burroughs, Cazneau, Charlton, Cooke, Cronican, Dickson, Durham, Edwards of San Augustine, Gilliam, Gooch, Holland, Mabry, McFarland, Miller, Milican, Mullins, Pattillo, Perry, Russell, Ryburn and Williams.—26.

Question to refer, carried.

Mr. Bourland moved, to suspend the rule, and take up, the Senate's Resolution agreeing to meet the House this evening at three o'clock p. m. for the purpose of counting the returns legally made to the State Department prior to the 17th February, 1846, for Governor and Lieutenant Governor, carried and.

Resolution Read by leave.

Mr. Howard made the following report, on the communication of the Honorable N. H. Darnell, declining to be invested with the office of Lieutenant Governor:

COMMITTEE ROOM, }
MAR 1st, 1846. }

To the Honorable Wm. E. Crump,

Speaker of the House of Representatives.:

The undersigned members of the Select Committee, to whom was referred the communication of the Honorable N. H. Darnell, declining to be invested with the office of Lieutenant Governor on the ground that he had not been elected to the same, beg leave to report:

That on the 17th of February it being the second day of the Session the two Houses of the Legislature met, and counted the

returns for the election of Governor and Lieutenant Governor, which had been formally forwarded from the office of Secretary of State by the Chief Clerk, Mr. Eldridge, who had the custody of the same, as all the returns given in the Gubernatorial election, which had been made to the office of Secretary of State. While the two houses were still in joint session, and before the result was declared, Mr. Raymond, Clerk of the House, called on Mr. Eldridge to know if there were any more returns for Governor or Lieutenant Governor, in the Secretary's Office and received for answer that there were none.

The two Houses finding that Mr. Darnell had received a majority of forty-eight votes of the returns before them, declared him duly and Constitutionally elected to the office of Lieutenant Governor. On the 21st of the same month and during the first week of the Session, the Chief Clerk transmitted to the Speaker of the House of Representatives, the accompanying returns from Fannin county, enclosed in the following communication:

DEPARTMENT OF STATE, }
February 21st, 1846. }

*To the Honorable Speaker
of the House of Representatives:*

Sir—I have the pleasure of transmitting you herewith, returns of Election from Fannin county, which being addressed to the Secretary of State, were filed with other returns and the votes for Governor and Lieutenant Governor, contained therein, were overlooked until this morning.

Very Respectfully

Your obt. servant

(Signed)

J. C. ELDRIDGE,
Chief Clerk.

This communication admits, that these returns were on file at the time the others were sent in, and the Clerk subsequently admitted the same to Mr. Raymond, and he has stated before the committee, the reason which he alledges in his communication for not sending them in, is, that, being directed to the Secretary of State, they were filed among other returns, and were overlooked at the time the votes for Governor, and Lieutenant Governor were transmitted to the Legislature. This is the reason subsequently assigned to Mr. Raymond by the Chief Clerk. In Fannin county, A. C. Horton, the other candidate, received 208; they being all the votes cast for Lieut. Governor, in that county; and, had they been counted by the Legislature, would have elected Mr. Horton by a majority of

“one hundred and sixty votes. The committee take the most charitable view of the subject, and assume, that, owing to the negligence and mistake of the Chief Clerk of the State Department, the returns were not sent in, and therefore not counted, as the constitution requires. They are clearly of the opinion, that, it is the votes of the people which confer the office upon the successful candidate. The right, follows the result of the popular will, manifested through the suffrages of the people, and it is only made the duty of both, branches of the Legislature, to ascertain and declare what that result actually is. The two Houses under the Constitution, would not have the right, or power to select from the returns in the Secretary's office, or from the Speaker's table, such as they saw fit, and by that means declare the candidate elected, who had not received a majority of legal votes, returned. Such an act would be a palpable violation of the Constitution, which declares, that the person having the highest number of votes, shall be entitled to the office. If it is not in the power of the Legislature to defeat the expressed will of the people by refusing to count all the legal votes, it is not in the power of a clerk, in a subordinate Department, by negligence, or malpractice in office, to defeat that will, and elect a candidate whom they have rejected. If he have that power, we may as well dispense with the elective franchise, and give the appointing power to the Clerk of the Secretary of State.

It may be said that the election returns of the county of Fannin, are not endorsed as required by the seventh Section of the Schedule of the Constitution, which declares that, “the returns for members of the Legislature of this State, shall be made to the Department of State of this Republic, and those for Governor and Lieutenant Governor, shall be addressed to the Speaker of the House of Representatives, endorsed, election returns of——county, for Governor, and directed to the Secretary of State.” The Chief Justice for Fannin county, included in the same returns, the votes for Senator and Governor, and Lieutenant Governor, and directed them to the State Department—the proper place of deposit. The only objection to them, is, that the returns for Governor, and Lieutenant Governor were not addressed to the Speaker of the House of Representatives, and endorsed, returns for Governor.

It will be observed, that, the returns were sent as required. The only object of requiring them to be addressed to the Speaker, and be endorsed, was to inform the Secretary of State that they were Gubernatorial returns, and were to be

kept by him and transmitted to the two Houses. The provision for the address and endorsement of the returns is merely directed to the officers as to the manner of conducting the business, and in no way essential to the validity of the votes. It is not in the power of the officer, by neglecting or refusing to make the required address or endorsement, to destroy the validity of the votes cast at an election, unless the law expressly declares that they shall be void, for the want of such requirement. Such provisions are uniformly held to be merely directory, unless, they expressly manifest a different intent.—It has been determined by Courts of the highest authority, that when a statute requires a thing to be done in a particular manner, it will be valid although done in a different manner, unless the Statute declares expressly the act void, if done in any other than the one prescribed. *United States vs Bradley*, 10, Peters 343. It is the policy of the law to construe elective regulations liberally, in order to give effect to the popular will, and not to destroy it by artificial and technical rules of the Constitution. Especially, was this the intention of the convention in giving the method of conducting the first election under the new Constitution. The next question which presents itself is the power of the Legislature to reverse the decision which it has pronounced. That decision remains in fact, a nullity; for the gentlemen in whose favor it was rendered, refused to avail himself of it, on the ground, that it was erroneous, and that his competitor was elected, as will appear, by reference to the following communication, which he addressed to the Senate:

Mr. President, and Gentlemen of the Senate:

I have learned, since my arrival in the city, that at the time specified under the Constitution; and laws of the State, both Houses of the Legislature proceeded to examine the result of the late general election for Governor and Lieutenant Governor, and that I was declared to be elected Lieutenant Governor—I have also learned that a full return of the vote of the whole State was not made, and probably if such had been the case a different result would have appeared. Under such circumstances I could not for a moment, think of accepting the office. I have too high a regard for the principles of a free Government, of the right of a majority to rule, to disappoint their expectations and wishes. I would therefore sincerely ask the Honorable the Legislature to reconsider of their action in this matter, and find out to whom the greatest number of suffrages of the people of Texas were given for the office of Lieutenant Governor, at

said election, and accord to the individual, the station and office to which he was called.

(Signed)

N. H. DARNELL,
SENATE CHAMBER, }
April 28th 1846. }

The above is a correct copy of the original on file in this office.

(Signed)

HAMILTON P. BEE,
Secretary of Senate

That the Legislature has the power at any time during the Session, to annul a decision, which it has rendered, through its own mistake, on the fraud of others, cannot admit of a reasonable doubt. The right to render the decision, carries this power as a necessary incident. The body would be impotent without it, and a prey, to every species of fraud and imposition. Suppose the Engrossing clerk should engross a bill which never passed. May we not correct it? Suppose the clerk and Secretary of the Senate, had intentionally represented the opponent of the present governor elected, and the Speaker had so proclaimed the result, could we not correct the erroneous decision? Or suppose the Secretary of State had sent in no county in which the present Governor received a majority, and in consequence, another gentleman had been declared duly and constitutionally, elected, will any one be absurd enough to say that such a declaration would be beyond the reach of the Legislature? The eighth section of the schedule which is the law controlling the manner of counting the votes and declaring the result, does not require it to be done during the first week of the Session; but if such is the law, it does not affect the power of the Legislature, over a decision which has been made through the mistake or fraud of the Executive Officers. The action of the Legislature in such a case is of no higher sanction, than a decision of a Court of Justice, which may be corrected when the mistake or fraud is discovered. Should it be determined that the constitution required the votes to be counted during the first week, still, when the the returns were not all in, they should not have been counted until the last day of the week; so that all the time which the law allows might have been given, in order to ascertain the will of the people. It appears from the certificate of the Clerk of Bastrop county, that the returns from that county were mailed in season to have reached the Secretary's office, previous to the meeting of the Legislature. The Postmaster at this place has stated to the committee, that there

is but one office between that place and this, at which the mail, containing the matter mailed at Bastrop for Austin, is ever opened. The Bastrop returns, owing to some extraordinary and unaccountable circumstance, have never come to hand.—Of the votes given at Bastrop, A. C. Horton received a majority of more than two hundred. Had the fact of the mailing and loss of these returns been shown to the two Houses previously to the declaration of the result, it is very evident that Mr. Horton would have had a right to introduce proof of his majority and have had the same counted. The committee state, for the information of the House, that, since the election returns for Governor and Lieutenant Governor were counted, other returns, from several counties, have reached the State Department. Under all the circumstances, the committee esteem it to be the duty of both Houses, to meet and count the votes for Lieutenant Governor, and declare the result, as may be manifested by the returns, and they recommend that course.

(Signed)

{ V. E. HOWARD.
JNO. BROWN.
BNJ. F. TANKERSLY.

Mr. Burroughs moved the adoption of the report.

Mr. Keenan moved, to lay the report and Resolution on the table until 11th inst. at 10 o'clock A. M.

M. Howard called for a division of the question.

Question on laying the Resolution on the table, was taken up and lost, by the following vote:

Yeas—Messrs. Barry, Charlton, Clark, Dickson, Echols, Edwards of San Augustine, Eddy, Erath, Keenan, Miller, Muckle-roy, Pattillo and Williams—13.

Nays—Messrs. Speaker, Adams, Brown, Burroughs, Cooke, Cronican, Dupree, Edwards of Nacogdoches, Gray, Gillett, Gil-
liam, Gooch, Holland, Howard, Hudson, Irion, Jones, Mabry, McClarty, McCulloch, McFarland, McNeill, Milican, Mullins, Noble, Ogden, Pease, Perkins, Perry, Rayner, Redgate, Rus-
sell, Ryburn, Savage, Stevenson, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truit, White and Willie—44.

Question on laying the report on the table, was taken up and lost.

Mr. Williams moved a call of the House.

Lost.

Question on adopting report was taken and carried, by the following vote;

Yeas—Messrs. Brown, Burroughs, Cronican, Dupree, Edwards of Nacogdoches, Gillett, Gooch, Howard Hudson Jones, Mabry, McClarty, McCulloch, McFarland, McNeill, Mullins, Noble, Ogden, Pease, Perkins, Perry Rayner, Redgate, Russell, Ryburn, Savage Stevenson Stewart, Smith of Haris Smith of Rusk, Swift, Sublett, Tankersly White Williams and Willie—36.

Nays—Messrs. Adams, Barry, Charlton, Clark, Cooke, Dickson, Echols Edwards of San Augustine, Eddy, Erath, Gray, Gilham, Holland, Irion, Keenan, Miller Milican, Muckleroy, Pattillo and Truitt—20

Mr. Stevenson moved the adoption of the Resolution of the Senate and the yeas and nays being called, stood:

Yeas—Messrs. Brown, Burroughs, Cronican, Dupree, Edwards of Nacogdoches, Gillett, Gooch, Howard, Hudson, Irion, Jones, Mabry, McClarty, McCulloch, McFarland, McNeill, Mullins, Noble, Ogden, Pease, Perkins, Perry, Rayner, Redgate Russell, Ryburn, Savage, Stevenson, Stewart, Smith of Haris, Smith of Rusk, Tankersly, Truitt, White and Willie—36.

Nays—Messrs. Adams, Barry, Charlton, Clark, Cooke Dickson, Echols, Edwards of San Augustine, Eddy, Erath, Gray, Holland, Keenan, Miller, Milican, Muckleroy, Pattillo, Sublett, and Williams—19

Resolution, adopted.

Mr. Keenan moved to enter his protest against the passage of the Resolution.

Mr. Crump tendered his resignation as Speaker of the House of Representatives, and

On motion of Mr. Howard, the Resignation of the Speaker was accepted, and.

On motion of Mr. Howard the House proceeded to the election of Speaker, to fill the vacancy occasioned by the resignation of the Hon. Wm. E. Crump.

Nominations being in order

Mr. Echols, nominated,	: : : : : :	Mr. Brown,
" Keenan,	" : : : : : :	" Bourland,
" Rayner,	" : : : : : :	" White,
" Barry,	" : : : : : :	" Perkins,
" Echols,	" : : : : : :	" Clark,

Messrs. Brown, White, Perkins and Clark, asked to be excused from being put in nomination; the House so excused them.

Mr. Bourland only, being in nomination; the House proceeded to vote by ballot.

On counting out the votes, it appeared that

Mr. Bourland, received,	:	:	:	:	:	:	:	:	48 votes,
" Echols,	"	:	:	:	:	:	:	:	1 vote,
" Darnell,	"	:	:	:	:	:	:	:	1 "
" Tankersly,	"	:	:	:	:	:	:	:	2 "
" Smith,	"	:	:	:	:	:	:	:	1 "
" Blank.	"	:	:	:	:	:	:	:	2 "

Mr. Bourland having received a majority of all the votes was announced by the Chair duly and Constitutionally elected, Speaker of the House of Representatives, of the State of Texas.

Mr. Willie offered the following Resolution:

Resolved, That the thanks of the House are due to the Hon. Wm. E. Crump, for the dignified, able and impartial manner in which he has discharged the duties of his office, as Speaker of the House of Representatives.

On motion of Keenan the Resolution was adopted.

On motion of Mr. Burroughs, the Speaker elected, was conducted to the Chair, by Messrs. Burroughs and Brown.

Mr. Speaker, made a few, and appropriate remarks.

On motion of Burroughs, the House adjourned until half after two o'clock,

HALF PAST TWO O'CLOCK, P. M.

House met, roll called, and the following members answered to their names to wit:

Messrs. Speaker, Adams, Barry, Brown, Charlton, Clark, Cooke, Cronican, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gillett, Gilliam, Gooch, Holland, Howard, Hudson, Irion, Jones, Keenan, Mabry, McClarty, McFarland, McNeill, Miller, Muckleroy, Mullins, Noble, Pattillo, Pease, Perkins, Perry, Railey, Rayner, Redgate, Russell, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Tankersly, Truit, White, Williams and Willie.

A quorum present:

A bill to incorporate the several counties of this State which now exist or may hereafter be created.

Read a third time and passed.

A bill for the relief of Petit Jurors.

Read a third time.

Mr. McNeill moved to amend the Caption, by inserting certificates "properly authenticated, receivable for County Taxes."

The yeas and nays being called for, stood:

Yeas—Messrs. Speaker, Barry, Brown, Charlton, Clark, Cooke, Dickson, Durham, Echols, Edwards of San Augustine, Eddy, Erath, Gillett, Gilliam, Gooch, Holland, Hudson, Irion, Keenan, McFarland, McNeill, Miller, Milican, Muckleroy, Mullins, Noble, Pattillo, Perry, Railey, Redgate, Russell, Ryburn, Savage, Stewart, Smith of Harris, Smith of Rusk, Tankersly and Truit—38.

Nays—Messrs. Cronican, Dupree, Jones, Ogden, Pease, Perkins, Rayner and Swift—8.

A message was received from the Senate, through their Secretary, Mr. Bee, informing the House that the Senate had indefinitely postponed a bill, to incorporate the Sabine Navigation Company.

On motion of Mr. Clark, Mr. Stevenson was granted leave of absence, for the remainder of the session.

On motion of Mr. Perkins, Mr. McCulloch was granted leave of absence for the remainder of the session.

On motion of Mr. Perkins, a committee was appointed to invite the Senate within the bar of the House of Representatives, for the purpose of counting out the late returns of the election, received for Lieutenant Governor.

The chair appointed Messrs. Perkins, Railey and Gooch, said committee.

Mr. Ogden moved that the House take a recess for fifteen minutes.

Lost.

On motion of Mr. Echols, the House took a recess for ten minutes.

The recess having expired, the House was called to order.

The roll called, and a quorum present.

Mr. Perkins, from the committee to wait on the Senate, returned and reported performance of duty.

The Honorable, the Senate, appeared, headed by their President, who was invited to a seat by the Speaker, and the Senators to seats prepared for them.

On motion of Mr. Tankersly, the two Houses in Joint session, proceeded to count out the votes cast for Lieutenant Gov-

ernor, of the remaining counties that had not heretofore forwarded returns.

The Chair appointed Messrs. Tankersly and McNeill, tellers on the part of the House.

The returns were then opened, and the following is the result—to wit:

County of Jackson, for Horton,	:	:	:	28 votes.
“ “ Brasos, “ “	:	:	:	00
“ “ “ “ Darnell,	:	:	:	38
“ “ Fannin, “ Horton,	:	:	:	208
“ “ “ “ Darnell,	:	:	:	00
Recapitulation, Mr. Horton received,	:	:	:	236 votes.
Mr. Darnell “ “ “	:	:	:	38 “

The following is the aggregate of the votes cast for Governor and Lieutenant Governor, on the 17th of February, 1846, in presence of both Houses of the Legislature:

For Horton,	:	:	:	:	4271 votes.
For Darnell,	:	:	:	:	4319 “

Mr. Horton's majority of all the votes cast for Lieutenant Governor is 150 votes—added to the votes counted out to-day.

Whereupon, the Speaker declared Mr. Horton duly and constitutionally elected Lieutenant Governor of the State of Texas, for the term prescribed by the Constitution.

The Senate having retired, the House proceeded to business.

On motion of Mr. Stevenson, Mr. Williams was granted leave of absence, for the remainder of the session.

A bill, to organize Justices' Courts, and to define the powers and jurisdiction of the same.

Read a first time.

Rule suspended.

Bill read a second time, and referred to the Judiciary committee.

A message was received from the Senate, through their Secretary, Mr. Bee, informing the House that the Senate had passed

A bill, supplementary to the several acts for the relief of Minute-men, created under an act, approved February 4th, 1841—with amendments.

On motion of Mr. Erath, the message of the Senate was taken up.

A bill providing for the relief of Minute-men—with amendments, from the Senate.

Read, and amendments concurred in.

A bill, to authorize the Governor to employ a private Secretary.

Read a second time.

Mr. Echols, from the select committee, to whom was referred a bill, providing for the collection of costs, made the following report:

[This report was not copied into the Journal, and the original being mislaid, a copy cannot be furnished for publication.]

A bill, to repeal an act regulating proceedings in civil suits.

Read a first time:

A bill to provide for the payment of Commissioners appointed by the several acts creating new counties.

Read a first time.

A substitute from the Senate for the bill regulating the manner of running county lines, was read, and

On motion of Mr. Brown, the House refused to concur in the amendment, and

On motion of Mr. McNeill, a committee of Conference was appointed to take into consideration the subject matter of such disagreement.

Whereupon the Chair appointed Messrs. McNeill, Brown and Pease said committee.

A bill to fix the time for holding elections for members to the Congress of the United States.

Read a first time.

A bill requiring the holders of Land claims to locate the same.

Read a first time; and

On motion of Mr. Stewart, rule suspended.

Bill read a second time, and referred to the committee on Public Lands.

A bill to incorporate the Lavaca, Gaudalupe and San Saba Rail Road Company.

Read a second time.

A bill creating the county of Titus, with amendments, proposed by the committee on County boundaries.

Amendments adopted.

Mr. Gooch offered the following as a substitute for the 4th section.

Be it further enacted, That the said Commissioners shall, so soon as practicable, provide a house, at the said place fixed upon, for said county seat, for a temporary Court house, and until such house shall be provided, said Commissioners shall

point out where Court shall be held, and that this act take effect from and after its passage.

Adopted.

Mr. Gooch moved to strike out "Griffith," and insert "Doctor Chambers."

Mr. Russell moved to amend the amendment; by striking out "Doctor," and inserting "John G. Chambers."

Carried.

Question on the adoption of Mr. Gooch's amendment, was aken, and carried, and

Bill passed to its second reading.

On motion of Mr. Barry, the rule was suspended.

Bill read a third time and passed.

A bill to authorize the County Court of Brazoria county, to have a duplicate made of the Record Book, numbered and known as Record Book 6.

Read a second time, and ordered to be engrossed.

On motion of Mr. Perkins, rule suspended.

Bill read a third time and passed.

On motion of Mr. Ogden, the House adjourned until to-morrow, nine o'clock, A. M.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, SATURDAY, }
May 2nd, 1846. }

The House met; the roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Brown, Charlton, Clark, Cooke, Crump, Dickson, Echols, Edwards of Nacogdoches, Henth, Gray, Gillett, Howard, Irion, Jones, Keenan, Mabry, McFarland, McNeill, Miller, Milican, Muckleroy, Mullins, Ogden, Pease, Pattillo, Perkins, Perry, Railey, Rayner, Redgate, Sadler, Savage, Stevenson, Stewart, Smith of Harris, Smith of Musk, Swift, Sublett, Tankersly, Truit, White, and Willie

A quorum being present, the Journal of the preceding day was read and adopted.

Mr. Perkins moved, that a committee be appointed to wait

on the Honorable A. G. Horton, Lieutenant Governor elect, and inform him of his election.

Carried.

The Chair appointed Messrs. Perkins, Rayner, and Sublett, said committee.

Mr. Adams presented the petition of Jim Shaw, a Delaware Indian, which was read and referred to the committee on State Affairs.

Mr. Williams introduced a Joint Resolution, authorizing the Governor to take command of the Militia of Texas, mustered into the service of the Government of the United States.

Read a first time.

Mr. Dickson moved to suspend the rule.

Carried.

Resolution read a second time.

Mr. Howard moved to insert, after the words "command," the words, "according to the Constitution and Laws of the United States."

Carried.

Mr. Williams moved the engrossment of the Resolution.

Mr. Smith of Rusk, moved to insert the words, "and the people elect their own officers, as that right belongs to all Volunteers."

Lost.

Mr. Mabry moved to lay the resolution on the table.

Lost.

Mr. Echols called for the previous question.

Carried.

Question, on the engrossment of the resolution, was taken and carried by the following vote :

Yeas—Messrs. Speaker, Adams, Barry, Burroughs, Charlton, Clark, Cooke, Cronican, Crump, Dickson, Echols, Edwards of San Augustine, Eddy, Gillett, Gooch, Holland, Howard, Irion, Jones, Keenan, McClarty, McNeill, Milican, Noble, Ogden, Pease, Perkins, Railey, Rayner, Redgate, Ryburn, Russell, Savage, Stevenson, Stewart, Swift, Sublett, Tankersly, Truit, and Williams—42.

Nays—Messrs. Brown, Edwards of Nacogdoches, Erath, Mabry, McFarland, Miller, Muckleroy, Mullins, Pattillo, Perry, Sadler, Smith of Harris, Smith of Rusk, White, and Willie—15.

Mr. Tankersly made the following report :

To the Honorable Speaker

of the House of Representatives:

The committee on Finance, have considered a bill, to be en-

titled, An act to incorporate the Colorado Mining Company, and believing no serious injury can result to the State or its citizens, by the passage of the bill, a majority of said committee have instructed me to report the bill back, and recommend it to the consideration of the House.

[Signed]

B. F. TANKERSLY.

Chairman.

Which report was read and laid on the table, to come up among the orders of the day.

A committee was announced from the Senate, appointed to invite the House, to attend in the Senate Chamber, at ten o'clock, A. M., to witness the installation of the Honorable A. C. Horton, Lieutenant Governor, elect.

Mr. Clark made the following report, which was read and adopted.

COMMITTEE ROOM,
May 2nd, 1846. }

To the Honorable Wm. H. Bourland,

Speaker of the House of Representatives:

The committee on State Affairs, have had under consideration, "An act, to amend the seventeenth section of an act, to repeal, in part, and amend an act, entitled, an act for the incorporation of the city of Galveston, approved February fifth, eighteen hundred and forty, and to otherwise amend said act, and have adopted the enclosed substitute, drawn up by one of the members from Galveston: therefore the adoption and passage of which, they recommend.

The majority of the committee would observe, that they see no objection to the passage of the bill, since it is entirely local, and much desired by the delegation from Galveston.

(Signed)

E. CLARK

Chairman.

Mr. White moved that the House repair to the Senate Chamber, at ten o'clock, for the purpose of witnessing the installation of the Lieutenant Governor, elect.

Carried.

On motion of Mr. Jones, the House proceeded to the Senate Chamber.

After the inauguration, the House returned to the Representative Hall.

Roll called—quorum present.

Mr. Irion, Chairman of the committee on the Land office, to whom was referred a bill, to establish a General Land Office

for the State of Texas, made the following report, which was read and laid on the table, to come up among the orders of the day.

[This report was not copied into the Journal, and, the original being misplaced, a copy cannot be furnished for publication.]

Mr. Willie made the following report:

*To the Honorable Speaker,
of the House of Representatives:*

The Engrossing committee have examined a bill, entitled **An act, to provide for the issuing of patents, to the assignees of good and genuine unconditional Head Right certificates, and find the same correctly engrossed.**

[Signed]

J. WILLIE,
One of the Committee.

Which report was read and adopted.

Mr. Gilliam introduced the following resolution;

Resolved, That the Chairmen of the various standing committees of the House, be, and they are hereby requested, to resolve themselves into a General committee, for the purpose of examining the various bills, now before the various standing and select committees, and report to the House, on Monday next, such bills, as in their opinion, should first demand the attention of the Legislature.

Resolved further, That the Senate be requested to act in concert with said committee.

Read and laid on the table one day, for consideration.

Mr. White introduced the following resolution:

Resolved, That the committee on Public Lands, be required to report on the bill to legalize certain surveys, on Monday next, at ten o'clock.

Read and adopted.

Mr. Ogden introduced a bill, supplementary to an act, for the payment of Minute Men.

Read a first time—rule suspended—bill read a second time, and referred to the Judiciary committee.

Mr. Cooke introduced a bill concerning securities.

Read a first time

Mr. Dickson moved to take up the

ORDERS OF THE DAY.

Carried.

A resolution, calling on the Comptroller for information,

relative to an appropriation made for Indian purposes, was taken up,

Read and adopted.

A resolution, to adjourn, *sine die*, on the thirtieth April, with an amendment, from the Senate, to adjourn on the eleventh May, was taken up and read.

Mr. White moved to lay the resolution on the table.

Mr. Dickson moved a call of the House.

Carried.

Mr. Clark moved to excuse Mr. Durham.

Carried.

Mr. Barry moved to suspend the call of the House.

Carried.

Mr. Tankersly moved to amend Mr. White's motion, by laying the resolution on the table until Wednesday next.

The yeas and nays being called on Mr. White's motion, stood:

Yeas—Messrs. Adams, Cronican, Duprée, Echols, Gray, Gillet, Gooch, Howard, Irion, Keenan, Mabry, McClarty, McNeill, Miller, Milican, Ogden, Pease, Perkins, Perry, Redgate, Ryburn, Stewart, Smith of Harris, Smith of Rusk, Swift, Tankersly, Truitt, White, and Willie—29.

Nays—Messrs. Speaker, Barry, Brown, Burroughs, Cazneau, Charlton, Cooke, Clark, Crump, Dickson, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gilliam, Holland, Jones, McFarland, Muckleroy, Mullins, Noble, Pattillo, Rayner, Russell, Sadler, Savage, Stevenson, and Sublett—28.

Carried.

A bill, to provide for the registry of Deeds and other instruments of writing, was taken up, read a second time and passed.

Mr. Echols moved the House adjourn until half-past two o'clock.

Lost.

On motion of Mr. Keenan, leave of absence was granted Mr. Eddy for the rest of the day.

Mr. Howard moved a reconsideration of the vote, laying the resolution to adjourn, *sine die*, on the table.

Mr. Dickson moved a call of the House.

Carried.

Mr. Edwards of San Augustine, moved that the call of the House be suspended.

Carried.

Question, on reconsidering the vote, was taken, and carried, by the following vote:

Yeas—Messrs. Speaker, Barry, Brown, Burroughs, Cazneau, Charlton, Clark, Cooke, Crump, Dickson, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gilliam, Gooch, Holland, Howard, Keenan, Mabry, McFarland, Millican, Muckleroy, Mullins, Noble, Ogden, Pattillo, Perkins, Railey, Rayner, Russell, Ryburn, Sadler, Savage, Stewart, Swift, Sublett, Truitt, and Williams—38.

Nays—Messrs. Adams, Cronican, Dupree, Echols, Gray, Gillett, Irion, McClarty, McNeill, Miller, Pease, Perry, Redgate, Smith of Harris, Smith of Rusk, Tankersly, White, and Willie—19.

Motion to reconsider, carried.

Mr. Burroughs moved the adoption of the resolution.

The previous question being called, to lay on the table until Wednesday next, was taken and lost, by the following vote:

Yeas—Messrs. Adams, Cronican, Dupree, Echols, Gray, Gillett, Irion, McClarty, McNeill, Miller, Pease, Perry, Redgate, Smith of Harris, Smith of Rusk, Swift, and Tankersly, 17.

Nays—Messrs. Speaker, Barry, Brown, Cazneau, Charlton, Clark, Cooke, Crump, Dickson, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gilliam, Gooch, Holland, Howard, Jones, Keenan, McFarland, Millican, Muckleroy, Mullins, Noble, Ogden, Pattillo, Perkins, Railey, Rayner, Russell, Ryburn, Sadler, Savage, Stewart, Sublett, Truitt, White, and Williams—38.

Mr. Dupree, moved a call of the House.

Lost.

Question on concurring in the amendment of the Senate to adjourn on the eleventh day of May, was taken up and carried, by the following vote.

Yeas—Messrs. Speaker, Barry, Brown, Burroughs, Cazneau, Charlton, Clark, Cook Crump, Dickson, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gilliam, Gooch, Holland, Howard, Irion, Jones, Keenan, Mabry, McFarland, Millican, Muckleroy, Mullins, Noble, Ogden, Pattillo, Perkins, Railey, Rayner, Russell, Ryburn, Sadler, Savage, Stewart, Sublett, Truitt, White, and Williams—41.

Nays—Messrs. Adams, Cronican, Dupree, Echols, Gray, Gillett, McClarty, McNeill, Miller, Pease, Perry, Redgate, Smith of Harris, Smith of Rusk, Swift, and Tankersly—16.

On motion of Mr. Clark, leave of absence was granted the Hon. Mr. Holland, for the balance of the Session.

By leave, Mr. Tankersly introduced A Substitute, for a Bill

to wind up and close the Treasury Department of the late Republic of Texas;

Which was read and adopted: and on motion of Mr. Mabry, ordered to be engrossed.

On motion of Mr. Mabry, the House adjourned until three o'clock.

THREE O'CLOCK, P. M.

House met, roll called, and the following members answered to their names, to wit;

Messrs. Speaker, Adams, Barry, Brown Burroughs, Cazneau, Charlton, Clark, Crump, Dickson, Dupree, Echols, Edwards of Nacogdoches, Eddy, Gray, Gillett, Gooch, Howard, Irion, Keenan, Mabry, McFarland, McNeill, Miller, Millican Muckleroy, Mullins, Noble, Ogden, Pattillo, Pease, Perkins, Perry, Railey, Rayner, Redgate, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truit, and White.

Quorum present.

Mr. Stewart, from the Committee on Public Lands, to whom was referred "A Bill to amend the first Section of An Act, approved fourteenth of February eighteen hundred and forty, entitled an Act authorizing the issuing of Duplicate Land warrants Discharges and Certificates on certain Conditions—Reported a substitute for the same, and recommended its passage.

Substitute read and adopted.

A Bill to Regulate proceedings in the District Court.

Read a third time and passed.

Mr. Echols, introduced "A Joint Resolution, suspending proceedings both civil and criminal, in the Courts of this State, against all citizens who may or shall have joined the United States Army under the Command of Gen. Taylor."

Read a first time.

Mr. Gray, from the Judiciary committee, to whom was referred "A Bill supplementary to the several acts for the Relief of Minute Men, created under an Act approved February the fourth eighteen hundred and forty one. Reported the same without amendment, and recommended its passage.

Mr. Gray moved a suspension of the rule.

Carried.

Bill read, and ordered to be engrossed and,

On motion of Mr. Ogden, rule further suspended, Bill read a third time and passed.

"A Bill to Regulate proceedings in cases of forcible entry and Detainer.

Read a third time and passed.

A message was received from the Senate, through their Secretary Mr. Bee, informing the House that they had passed the following Bills, to wit.

"A bill to repeal the fourth section of an act granting land to those who were in the Battle of San Jacinto, and other Battles, Approved December twenty first eighteen hundred and thirty seven; also.

"A Bill to incorporate the La Grange Female Institute, by a constitutional majority."

Also A Bill requiring the Commissioners of the General Land Office, to issue Patents upon unconditional Head Right Certificates for Land—with amendments.

And have substituted a Bill requiring the county Surveyor, of Liberty County, to furnish the Surveyor of Tyler county a map of the Surveyed, land in said County" also

"A bill regulating the Office of County Treasurer, with amendments"

Also have adopted the report of the committee of conference on the "bill organizing County courts"

[This report was not copied into the Journal, and, the original being misplaced, a copy cannot be furnished for publication.]

The Senate adhere to their amendments to the bill, to have the lines Surveyed between the Counties of Robertson and Limestone, Limestone and Leon, Leon and Navarro; and have appointed Messrs. Gillet and Wood, a committee of conference on said Bill.

Mr. Russell, from the committee on Engrossed Bills, made the following report, which was adopted.

[This report was not copied into the Journal, and the original being misplaced; a copy cannot be furnished for publication.]

A Bill authorizing the Commissioner of the General Land Office, to issue Patents to claimants to Land lying in two or more counties.

Read a third time and passed.

A Bill to define the duties of Secretary of State, with amendments reported by the Committee on State Affairs, was

Read and amendments adopted.

On motion of Mr. White, the House adjourned until Monday Morning 8 o'clock A. M.

HOUSE OF REPRESENTATIVES, }
CITY OF AUSTIN, MONDAY. }
May 4th, 1846.

The House met; the roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Burroughs, Charlton, Clark, Cooke, Cronican, Crump, Dickson, Edwards of San Augustine, Eddy, Erath, Gillet, Gilliam, Gooch, Howard, Hudson, Irion, Mabry, McFarland, Miller, Millican, Muckleroy, Mullins, Noble, Pattillo, Pease, Perry, Railey, Rayner, Redgate, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, White, and Willie.

A quorum being present, the Journal of the preceding day was read and adopted.

On motion of Mr. Pease, leave of absence was granted Mr. Perkins, until his health would admit of his attendance on the House.

Mr. Rayner presented the petition of John P. Borden, which was referred to the committee on Public Lands, without reading.

Mr. Gray made the following report:

*To the Honorable Speaker of the
House of Representatives:*

The committee on the Judiciary, have considered a bill, to organize the Justices' Courts; and to define the powers and jurisdiction of the same, and instruct me to report the enclosed amendments, with which they recommend its passage."

[Signed]

P. W. GRAY.

Chairman.

Which report was read and laid on the table, to come up among the orders of the day.

Mr. Tankersly made the following report:

COMMITTEE ROOM,
May 4th, 1846. }

*To the Honorable Speaker
of the House of Representatives:*

The committee on Finance, believing it important that some provision should be made for the collection of the taxes, due and owing to the late Republic of Texas, and the assessment and collection of taxes for the present year; and, as this subject has been overlooked, until a late hour of the session, the committee have instructed me to report two bills, one providing for the collection of taxes due the Republic of Texas, and the other for the assessment and collection of taxes for the present year, which they submit to the House, for its consideration.

[Signed]

B. F. TANKERSLY,
Chairman.

A bill to provide for the collection of taxes, due and owing the late Republic of Texas.

Read a first time.

A bill to provide for the assessment and collection of taxes, for the year eighteen hundred and forty-six.

Read a first time.

Mr. Gray made the following report, which was read and adopted.

COMMITTEE ROOM,
May 2d, 1846 }

*To the Honorable Speaker
of the House of Representatives:*

The committee on the Judiciary, have considered a bill, declaratory of the office duties and powers, of Notaries Public, of the State of Texas; and instruct me to report the enclosed substitute, to be entitled, "An act, defining the office and duties of Notary Public;" the adoption and passage of which they recommend.

[Signed]

P. W. GRAY,
Chairman.

Mr. Cronican made the following report, which was read and adopted.

COMMITTEE ROOM,
May 4th, 1846.

To the Senate and House of

Representatives of the State of Texas:

The Joint committee, to whom was referred the petition of Thomas F. McKinney, have given the subject minute investigation, and have arrived at the following facts, so fully authenticated, as not to leave a doubt on the minds of the committee, as to their correctness:

That Gail Borden, jr., late Collector of the Port of Galveston, in receiving Exchequer Bills from Merchants at Galveston, required them, under the law, to pay them to the Government at a discount. The merchants paid it under protest, and notified him not to pay it over to the Government—that they held him responsible to them for a return of the discount on the face of the bills, and instituted suit against him for its recovery. That the said Borden retained the amount thus discounted from the face of the Exchequers, in his hands, that he might secure himself in the case of Judgment being had against him. That he handed over to Thomas F. McKinney and Samuel M. Williams the whole amount, to secure them, as his securities on his bond to the Government, for the faithful performance of his duty as Collector. That McKinney and Williams used the Exchequer Bills for their own account, and now propose that the amount be charged to them in account with the Government, on account of cash which they have advanced for the Republic of Texas. Your committee have ascertained by reference to the records, and from the certificates of the Honorable E. M. Pease, who was an officer of the provisional Government, and J. B. Shaw, Esq., the present Comptroller of Public Accounts of the State of Texas; that, in the commencement of the Revolution, in eighteen hundred and thirty-five and eighteen hundred and thirty-six, prior to the organization of the Government of the Republic of Texas, and when the affairs of the country were managed by such temporary or provisional authority, as was from time to time established, there being no public funds in the country, with which to meet the indispensable necessities of the public defence, application was made to McKinney & Williams for aid in funds, with which to sustain the army which was then in the field. The application was responded to in a manner of extraordinary generosity by them, and no limit was set to their aid, which was within their control, without which the country must have suffered seriously, it being the only mode by which the country

could, at the time, procure the supplies, which were of absolute necessity to the public defence. That the said McKinney & Williams, did continue to sustain the credit of the Government at the sacrifice of their own, until the entire organization of the Government of the Republic of Texas, in eighteen hundred and thirty-six. That in doing so, they advanced, in par funds, about one hundred and fifty thousand dollars. Fifty-four thousand of which has been paid in land, at a higher price than it was sold to other persons. That the Government yet owes the said McKinney & Williams, about one hundred thousand dollars with five years interest thereon. That they have never received of the Government one dollar of its paper except at par. That they have never been paid one dollar out of the Treasury on account of such advances, and, owing to the embarrassed condition of the country, never asked it.—That they rendered important services to the country, as agents in receiving Volunteers, supplying them &c., for nearly a year, for which no charge was made. Your committee, therefore, have come to the conclusion that the relief asked, is very inconsiderable, compared to services rendered by them; and have prepared a bill, which is herewith submitted, and recommend its passage.

[Signed]

JAMES CRONICAN,
Chairman Committee on part of the House.

A bill for the relief of McKinney & Williams, read a first time.

Mr. Willie made the following report, which was read and adopted.

COMMITTEE ROOM, }
May 4th, 1846. }

To the Honorable Wm. H. Bourland,

Speaker of the House of Representatives:

The committee on Conference, upon a bill entitled, an act, regulating appeals to the Supreme Court in criminal cases, having conferred together, recommend the adoption of the following, as a substitute for the tenth section of said act:

SECTION TENTH. *Be it further enacted,* That if the Transcript provided for in the foregoing section, be received in vacation, the District Court shall, at the next term, proceed to pronounce sentence, in accordance with the direction of the Supreme Court, if the accused be in custody, and if not, shall order such process as may be necessary to take him; and if the return upon such process be that the accused cannot be

found, then the Court shall direct such proceedings as may be necessary and proper in order to forfeit his recognizance. But, if the Transcript aforesaid, be received in Term time, the Court shall forthwith proceed, as above directed.

[Signed]

WM. M. WILLIAMS,

Chairman on the part of the Senate.

JAMES WILLIE,

Chairman on part of the House.

Mr. Ogden made the following report :

To the Honorable Wm. H. Bourland,

Speaker of the House of Representatives :

SIR:—The Joint committee, to whom was referred a bill, entitled, An act, making appropriation for the support of the Government, for the years eighteen hundred and forty-six and eighteen hundred and forty-seven—have had the same under consideration, and the majority beg leave to report a substitute, and recommend its adoption.

[Signed]

ISAAC PARKER,

Chairman of the Committee

on the part of the Senate.

D. C. OGDEN,

Chairman on the part of the

House of Representatives.

Which report was read and adopted. .

Mr. Ogden made the following report :

COMMITTEE ROOM, }
May 4th, 1848. }

To the Honorable Wm. H. Bourland,

Speaker of the House of Representatives :

SIR:—The undersigned, a minority of the Joint committee, to whom, was referred the General Appropriation bill, ask leave to present a counter report.

It is the opinion of the undersigned that the salary of one thousand dollars, allowed the secretary of State, is entirely inadequate as compensation for the services required. It is the office second in dignity in the Government, and the salary is placed below that of the Comptroller. The office is one of great importance to the public interest; and as it embraces all the business of the whole Republic, heretofore connected with Foreign Relations and Negotiations, the correspondence

will necessarily be heavy, and require talents and character, far above those necessary for the like office in a new State, which has not maintained a separate National existence. The Attorney General, under the late Republic, whose duty it was, in addition to the ordinary business of that office, to revise and digest the laws, civil and criminal, was paid a salary of one thousand five hundred dollars; and the same duty has been imposed on the present officer, by a law enacted at this session, whilst his salary has been reduced by the committee to one thousand dollars. That officer represents the State in its litigation, which will hereafter involve interests of great importance to the country, and require talents and legal learning of the first order.

The salaries of the Assistant Clerks in the Land Office, and other departments, as fixed by the majority of the committee, at six hundred dollars a year, will necessarily have the effect to confine the offices entirely to unmarried men, which ought not to be the policy of any Republican Government. No man of family, with the most rigid economy, can support himself at the Seat of Government, on a salary of six hundred dollars; and it will not be denied that men of families are as much entitled to the business of Government, as those who do not render that tribute to the support of society. The undersigned do not believe that competent Clerks—either married or single—can be obtained for that price.

The wisest economy of the Government would be to pay sufficient, to command services qualified to discharge the duties imposed. The salaries of Assistant Clerks have heretofore been eight hundred and fifty dollars; and the proposed change would only make a difference of two thousand five hundred dollars to the Government, and would probably result in the loss of many thousands to the State, through the incompetency of the service, which such a change would produce. It is especially important, that the Land Office should be provided with competent and experienced Clerks. Negligence or want of ability, at a single Desk, might result in the loss of thousands to the State, and great embarrassment to the people in their business, connected with that Department. The undersigned believe that sound economy in a Government, requires the payment of a fair consideration for public services, which alone can save it from great loss, through a want of character and capacity in the transaction of public business.

The undersigned would further state their opinion, that inasmuch as the Journals of the House and Senate are to be

printed, the Clerk of the House and Secretary of the Senate, are the appropriate persons to prepare them, respectively, for the Printer, and recommend that the appropriation be made to them direct. All of which is respectfully submitted.

[Signed]

D. C. OGDEN.

A message was received from the Senate, informing the House, that they had passed a

"Joint Resolution providing for the appointment of persons to visit the Indian Tribes, and prevent irruptions, on the Frontier;" also

"A bill, to be entitled, an act supplementary to several acts, for the relief of minute men, created under an act approved February, 4th, 1841."

And also have adopted, the substitute of the House, to "A bill, to repeal the fourth Section of an act to provide, for the consolidation and funding of the Public Debt."

Mr. Gray, made the following report:

*To the Honorable Speaker
of the House of Representatives:*

The committee on the Judiciary, have considered, "A bill to incorporate the town of Crockett," and instruct me to report the enclosed amendments thereto.

(Signed

P. W. GRAY,
Chairman.

Which report was read, and laid upon the table, to come up among the orders of the day.

Mr. Gray made the following report:

COMMITTEE ROOM, }
May 2, 1846. }

*To the Honorable Speaker,
of the House of Representatives.*

The Committee on the Judiciary, in acting on the various bills, referred to them, have noticed that bills have been passed on by them, defining the duties of all the county officers, except those of Coroners and Constables.

They believe that acts on those subjects are needed, and beg leave to submit to the House the enclosed bill, defining the Office and duties of Coroners, and also of Constables.

(Signed)

P. W. GRAY,
Chairman.

"A bill to define the office and duties of Coroners and Constables."

Read a first time.

"A bill to define the office and duties of Constables."

Read a first time.

Mr. Gray made the following report, which was read and laid upon the table, to come up among the orders of the day.

COMMITTEE ROOM; }
May 2, 1846. }

*To the Honorable Speaker,
of the House of Representatives:*

The committee on the Judiciary, fearing that in the enactment of Laws changing the mode of procedure, in suits, and altering the penalties of certain offences, confusion may arise, have considered the subject, and instruct me to report the enclosed bill, to be entitled "An act, to prevent confusion in Judicial proceedings, arising from the repeal of Laws under which they were had or occurred."

They believe the provisions of the bill will meet and avoid the evil referred to, and therefore they recommend the passage of the same.

(Signed):

P. W. GRAY,
Chairman.

"A Bill to prevent confusion in Judicial proceedings, from the repeal of Laws under which they were had or occurred."

Read a first time.

Mr. Tankersly made the following report:

*To the Honorable Speaker
of the House of Representatives:*

The Committee on Finance, having considered a Joint Resolution, instructing Our Senators, and requesting the Representatives of the State, to endeavor to procure indemnity from the Government of the United States, to importers of Goods from the United States to Texas, between the thirty first of September eighteen hundred and forty five and sixteenth of February eighteen hundred and forty six, a Majority of said committee have instructed me to report back the Bill without amendment, to the House, and a skto be discharged from the further consideration of the same"

[Signed]

B. F. TANKERSLY,
Chairman.

Which report was read and laid on the table, to come up among the orders of the day.

Mr. Sublett introduced a Bill, to secure the payment of Fines imposed by the District Courts of the State"

Read a first time, rule suspended—Bill read a second time and

On motion of Mr. Sublett, referred to the Judiciary Committee.

Mr. Smith of Rusk, introduced a Bill defining the duties of County Commissioners of Rusk County.

Read a first time.

Rule suspended—read a second time—and referred to the Committee on State Affairs.

Mr. Smith of Rusk, introduced a Joint Resolution, to provide for the manner of organizing the Volunteers, called into service by the late Proclamation of His Excellency the Governor."

Read a first time.

Mr. Smith of Rusk, moved to suspend the rule. Lost.

A communication was announced by the Speaker, from the Comptroller of Public Accounts, in answer to a Resolution of the House calling for information relative to the Appropriation made for Indian purposes."

Which was read and laid on the table.

Mr. Russell moved to take up the

ORDERS OF THE DAY.

Carried.

Mr. Russell moved to suspend the rule, and take up a Joint Resolution from the Senate, authorizing the Governor to send agents among the Indians.

Carried.

Resolution read a first time—Rule suspended—Read a second time—and passed to a third reading.

On motion of Mr. Cazneau, the rule was suspended—Resolution read a third time and passed.

By leave, Mr. Smith of Rusk, introduced a Bill appointing David L. Ray a Trustee for the Rusk County Academy.

Read a first time—Rule suspended—Read a second time and referred to the Committee on Education.

Mr. Cazneau moved to take up the Appropriation Bill.

Mr. Stewart moved a call of the House. Carried.

Mr. White moved that Mr. Dupree be excused. Carried.

Mr. Eddy moved that Mr. Miller be excused. Carried.

Mr. Gillel moved to suspend the call of the House. Carried.

Mr. Cazneau withdrew the motion to take up the appropriation Bill.

By leave, Mr. Gooch introduced a bill for the benefit of a deaf and dumb boy, the minor Son of Lovel Coffman of Red River County.

Read a first time.

A bill defining the Office and duties of Sheriffs, was taken up, with the report of the Select committee, and amendments therein proposed, adopted—and

Bill ordered to be engrossed.

By leave, Mr. Eddy introduced the following Resolution.

Resolved—That this House will not entertain new business during the remainder of this session, unless by a unanimous consent of this House”

Read and laid on the table one day for consideration.

A bill to provide the mode of trying the right of property levied on by Execution, with the amendments proposed by the Judiciary Committee, was taken up and the amendments adopted and

Bill ordered to be Engrossed.

Mr. Cronican moved a call of the House.

Carried.

Mr. Ogden moved to suspend the call of the House.

Carried.

A Bill to amend the Supreme Court of the State, with the amendments proposed by the Judiciary Committee, was taken up

Mr. Howard, moved to Read the Bill by sections.

Mr. Mabry moved that the House resolve itself into a committee of the whole:

Lost.

Mr. White moved the adoption of the first section.

Carried.

Question, on the first amendment of the Committee to the second section, was taken, and carried.

Mr. Dickson moved to strike out in second section, the words “Austin, Travis County” and insert “Huntsville Walker County”

The yeas and nays being called, stood:

Yeas—Messrs. Brown, Burroughs, Charlton, Clark, Dickson, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Keenan, McClarty, McNeill, Muckleroy, Noble, Pattillo, Rayner, Savage, Stewart, Sublett, and Truitt—18.

Nays.—Messrs. Speaker, Adams, Barry, Cazneau, Cook, Cronican, Crump, Echols, Erath, Gray, Gillet, Gilliam, Gooch, Howard, Hudson, Irion, Jones, Mabry, McFarland, Millican, Mullins, Ogden, Pease, Perry, Railey, Redgate, Russell, Ryburn, Sadler, Smith of Harris, Smith of Rusk, Swift, Tankersly, White and Willie—35.

Lost.

Mr. Willie moved to strike out "Austin Travis County, and insert the Town of Brenham, Washington County."

The yeas and nays being called for, stood:

Yeas.—Messrs. Brown, Burroughs, Charlton, Clark, Cronican, Dickson, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Irion, Keenan, McClarty, McNeill, Millican, Muckleroy, Noble, Pattillo, Railey, Rayner, Savage, Sublett, Truit, and Willie—24.

Nays.—Messrs. Speaker, Adams, Barry, Cazneau, Cooke, Crump, Echols, Erath, Gillett, Gilliam, Gooch, Howard, Hudson, Jones, Mabry, McFarland, Mullins, Ogden, Pease, Perry, Redgate, Russell, Ryburn, Sadler, Stewart, Smith of Harris, Smith of Rusk, Swift, Tankersly, and White—30.

Question Lost.

Mr. Clark, offered the following substitute to the second section.

"The State of Texas, shall be divided into three Supreme Judicial Districts, and the Supreme Court shall be held once in each year, in each District, at such place, and at such time, and for such length of time, as hereinafter prescribed"

The yeas and nays being called stood:

Yeas.—Messrs. Brown, Burroughs, Clark, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Gillett, Gilliam, Keenan, McClarty, Muckleroy, Noble, Railey, Rayner, Russell, Ryburn, Swift, Sublett, and Truit—19.

Nays.—Messrs. Speaker, Adams, Barry, Cazneau, Charlton, Cook, Cronican, Crump, Dickson, Eddy, Erath, Gray, Gooch, Howard Hudson, Irion, Jones, Mabry, McFarland, McNeill, Millican, Mullins, Ogden, Pattillo, Pease, Perry, Redgate, Sadler, Savage, Stewart, Smith of Harris, Swift, Tankersly, White, and Willie—35.

Question lost.

Mr. Barry offered the following, as a substitute:

The State of Texas shall be divided into two Supreme Judicial Districts, and the Supreme Court shall be held once in each year, in each District, at such place and at such time, and for such length of time, as hereinafter prescribed.

The yeas and nays being called for, the vote stood:

Yeas—Messrs. Barry, Brown, Burroughs, Clark, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Gillet, Gilliam, Gooch, McClarty, Muckleroy, Noble, Pattillo, Rayner, Russell, Ryburn, Sadler, Savage and Truit—21

Nays—Messrs. Speaker, Adams, Cazneau, Charlton, Cook, Chronican, Crump, Dickson, Eddy, Erath, Gray, Howard, Hudson, Irion, Jones, Keenan, Mabry, McFarland, McNeill, Milican, Ogden, Pease, Perry, Bailey, Redgate, Stewart, Smith of Harris, Smith of Rusk, Swift, Tankersly, White and Willie—33.

Question lost.

A message was received from the Senat, informing the House that they had passed a "Joint Resolution, for the relief of Charles B. Snow;" also,

"A bill, requiring the Commissioner of the General Land Office, to issue Patents in the name, and by the authority of the State of Texas"—with amendments.

And that they had receded from their amendments to "A bill, providing how the new counties, made by the Legislature, out of the Territory of Nacogdoches county, shall pay their portion of debt due by said county of Nacogdoches."

And also, had receded from their amendments, to "An act, regulating Elections."

And had passed "A bill, for the relief of Thomas Anderson."

Mr. Keenan moved to strike out city of Austin, county of Travis" wherever it occurs in the bill.

Mr. Willie moved, to amend the amendment, by striking out "city of Austin, Travis county," and inserting the "town of Washington, Washington county."

Lost.

Mr. Edwards of San Augustine, moved to amend the amendment, by striking out "city of Austin, travis cocnty," and inserting, "Pendleton, Sabine county."

Lost.

Question on the adoption of Mr. Keenan's amendment, was taken and lost by the following vote:

Yeas—Messrs. Brown, Burroughs, Charlton, Clark, Cronican, Dickson, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Irion, Keenan, McClarty, McNeill, Millican, Muckleroy, Noble, Pattillo, Rayner, Sadler, Stewart, Truit, and Willie—23.

Nays—Messrs. Speaker, Adams, Barry, Cazneau, Crump, Cooke, Erath, Gillett Gilliam, Gooch, Howard, Hudson, Jones,

Mabry, McFarland, Mullins, Ogden Pease, Perry, Railey, Redgate, Russell, Ryburn, Savage Smith, of Harris, Smith of Rusk, Sublett, Tankersly, and White—31.

Lost

Mr. Echols moved to strike out "city of Austin," and insert "Venisonville." Lost.

Mr. Smith of Rusk, moved to strike out "one," and insert in lieu thereof the words "two places," and also insert "Henderson, in Rusk county."

The yeas and nays being called, stood:

Yeas—Messrs. Barry, Brown, Burroughs, Clark, Cronican, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gillett, Gilliam, Gooch, Keenan, McClarty, McFarland, Muckleroy, Noble, Pattillo, Rayner, Russell, Ryburn, Sadler, Stewart, Smith of Rusk and Truit—25

Nays—Messrs. Speaker, Adams, Cazneau, Charlton, Cooke, Crump, Dickson, Erath, Gray, Howard, Hudson, Irion, Jones, Mabry, McNeill, Millican, Mullins, Ogden, Pease, Perry, Railey, Redgate Savage, Smith of Harris, Swift Sublett, Tankersly, White, and Wille—29.

Lost.

Mr. Eddy moved, to strike out "city of Austin," and insert, "city of Galveston."

Mr. Mabry moved that the previous question be taken.

The yeas and nays being called, stood

Yeas—Messrs. Speaker, Adams, Barry, Brown, Cazneau, Cooke, Gray, Gooch, Howard, Hudson Jones, Mabry, McFarland, McNeill, Mullins, Ogden, Perry, Redgate, Russell, Ryburn, Smith of Harris, Swift, Sublett, Tankersly, and White—26.

Nays—Messrs. Burroughs, Charlton, Clark, Crump, Cronican, Dickson, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gillett, Gilliam, Irion, Keenan, McClarty, Millican, Noble, Pattillo, Pease, Railey, Rayner, Savage, Stewart, Smith of Rusk, Truit, and Willie—26.

Question lost.

Mr. Charlton moved to amend the amendment, by striking out, "city of Austin," and inserting, "city of Houston, Harris, county."

The yeas and nays being called, stood:

Yeas—Messrs. Brown, Burroughs, Charlton, Dickson, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray Gillet, Gooch, Irion, Keenan, McNeill, Millican, McClarty, Muckleroy, Noble, Pattillo, Sadler, Stewart, Truit and White—21

Nays—Messrs. Speaker, Adams, Barry, Cazneau, Clark, Cooke, Crump, Cronican, Echols, Howard, Hudson, Jones, Mabry, McFarland, Mallins, Ogden, Pease, Perry, Railey, Rayner, Redgate, Russell, Ryburn, Savage, Smith of Harris, Smith of Rusk, Swift, Tankersly, and Willie—31.

Lost.

Mr. Sublett moved, that the House adjourn until three o'clock.

Lost.

Question, on Mr. Eddy's amendment, was taken, and lost, by the following vote:

Yeas—Messrs. Burroughs, Charlton, Clark, Cronican, Dickson, Echols, Edwards, of Nacogdoches, Edwards of San Augustine, Eddy, Gillett, Keenan, Muckleroy, Noble, Pattillo, Pease, Railey, Sadler, Savage, and Truit—19.

Nays—Messrs. Speaker, Adams, Barry, Brown, Cazneau, Cooke, Crump, Erath, Gray, Gooch, Howard, Hudson, Irion, Jones, Mabry, McClarty, McFarland, McNeill, Millican, Mullins, Ogden, Perry, Rayner, Redgate, Russell, Ryburn, Smith, of Harris, Smith of Rusk, Swift, Tankersly, White and Willie—32.

Lost.

Mr. Dickson, moved, a reconsideration of the vote, rejecting Mr. Clark's Substitute, for the second Section of the bill.

The yeas and nays being called, stood:

Messrs. Barry, Brown, Burroughs, Charlton, Clark, Dickson, Echols, Edwards of San Augustine, Eddy, Gillet, Keenan, McClarty, Millican, Muckleroy, Noble, Pattillo, Railey, Rayner, Russell, Sadler, Savage Smith of Rusk. and Truit—23.

Nays—Messrs. Speaker, Adams, Cazneau, Cooke, Cronican, Crump, Edwards of Nacogdoches, Gray Gooch, Howard; Hudson, Irion, Jones, Mabry, McFarland, McNeill, Mullins, Ogden Pease, Perry, Smith of Harris, Redgate, Swift, Tankersly, White and Willie—27.

Lost.

The previous question being called for, which was the adoption of the second Section, was taken, and lost, by the following vote:

Yeas—Messrs. Speaker, Adams, Cazneau, Cooke, Crump, Erath, Gray, Gooch, Howard Hudson, Jones Mabry, McFarland, Mullins, Ogden, Pease, Perry, Railey, Redgate, Ryburn, Smith of Harris, Swift, Tankersly, and White—24.

Nays—Messrs. Barry, Brown, Burroughs, Charlton, Clark, Dickson, Echols, Edwards of Nacogdoches, Edwards of San

Augustine, Eddy, Gillett, Irion, Keenan, McClarty, McNeill, Millican, Muckleroy, Noble, Pattillo, Rayner, Russell, Sadler, Savage, Smith of Rusk, and Willie—25.

On motion of Mr. Eddy, the House adjourned until three o'clock, P. M.

THREE O'CLOCK, P. M.

House met, roll called, and the following members answered to their names to wit:

Messrs. Speaker, Adams, Barry, Brown, Cazneau, Charlton, Clark, Cronican, Dickson, Dupree, Echols, Edwards of San Augustine, Eddy, Erath, Gray, Gillett, Gilliam, Gooch, Howard, Hudson, Irion, Jones, Mabry, McFarland, McClarty, McNeill, Millican, Muckleroy, Mullins, Noble, Pattillo, Pease, Perry, Railey, Rayner, Redgate, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Tankersly, Truit, White, and Willie.

Quorum present; and the House proceeded to business:

The bill to organize the Supreme Court, being under consideration.

Mr. Sadler moved to lay the bill and amendments on the table.

Which motion was lost.

Section third was read, with the amendments offered by the Judiciary committee.

Amendments adopted; and the question being on the adoption of the Section, was put and carried.

Fourth Section read and adopted.

Fifth Section, with the amendment, by the committee, was read, and amendment adopted.

Question, on the adoption of the section was put and carried.

Sixth Section was read and adopted.

On motion of Mr. Dickson, the vote just taken on the adoption of the seventh Section, was reconsidered, and the section was then read as proposed to be amended by the committee.

Question on the adoption of the amendment of the seventh Section, was put and carried.

Eighth Section, was read and amendments offered by the committee adopted, and Section adopted.

Ninth and tenth Sections, adopted.

Eleventh Section read, with the amendments, and adopted.

Twelfth and thirteenth Sections, adopted.

Fourteenth Section, with amendments by the committee, was read and adopted.

Fifteenth Section, with the amendments by the committee, was read and adopted.

Sixteenth Section, was read, as amended, and adopted

Seventeenth Section adopted.

Eighteenth and nineteenth Sections with the amendments, was read and adopted.

Twentieth Section was adopted.

Twenty-first, twenty-second, twenty-third and twenty fourth Sections, with the amendments offered by the Judiciary committee, amendments adopted, and the Sections adopted.

Twenty-fifth Section, adopted.

On motion of Mr. Willie, the vote on adopting the second Section, was reconsidered, and

Mr. Willie moved to strike out in the second Section "Austin in Travis county," and insert "Anderson," in the county of Gimes, upon which the yeas and nays being called for, were taken, and resulted as follows:

Nays—Messrs. Brown, Burroughs, Clark, Cronican, Dickson, Echols, Edwards of San Augustine, Eddy, Gray, Irion, Keenan, McNeill, Miller, Milican, Muckleroy, Noble, Pattillo, Rayner, Savage, Stewart, Smith of Rusk, Sublett, Truit, and Willie—25.

Nays—Messrs. Speaker, Adams, Barry, Cazneau, Cooke, Crump, Dupree, Erath, Gooch, Howard, Hudson, Jones, Mabry, McFarland, Mullins, Ogden, Pease, Perry, Redgate, Ryburn, Smith of Rusk, Swift, Tankersly White and Williams—25.

So the amendment was rejected.

Mr. Barry, moved, a reconsideration of the vote just taken, on rejecting the amendment offered by Mr. McNeill.

Carried.

Mr. Clark, moved a call of the House.

Carried; and Sergeant at arms dispatched for absent members

On motion of Mr. Willie, a further call was dispensed with.

Mr. Jones moved that a committee wait on Mr. Perkins,

and receive his vote, on the adoption of the amendment offered by Mr. McNeill.

Carried; and the Speaker appointed, Messrs. Jones, Cazneau and Milican said committee.

On motion of Mr. Clark, the same committee was appointed to wait on Mr. Durham, to receive his vote on the same question.

Mr. Tankersly moved to lay the bill and amendments on the table, until to morrow 10 o'clock.

Lost.

Question recurring on the adoption of the amendment offered by Mr. McNeill to the second Section, upon which the yeas and nays being called resulted as follows:

Yeas—Messrs. Barry, Brown Burroughs, Charlton, Clark, Cronican, Dickson, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gillett, Gilliam, Keenan, McClarty, McNeill, Miller, Millican, Muckleroy, Noble, Pattillo, Rayner, Sadler, Savage Stewart Smith of Rusk, Sublett, Truitt and Willie—31.

Nays—Messrs. Speaker, Adams, Cazneau, Cook, Crump, Dupree, Erath, Gooch, Howard Hudson, Irino Jones, Mabry, McFarland, Mullins, Ogden, Pease, Perkins, Railey, Redgate, Russell, Ryburn, Smith of Harris, Swift, Tankersly and White—27.

So the amendment was adopted, and the second section was adopted.

On motion of Mr. White, the bill passed to its third reading.

Mr. Gillett, from the the committee on Enrolled bills, made the following report, which was adopted:

COMMITTEE ROOM,
May 4, 1846.

*To the Honorable Speaker,
of the House of Representatives:*

Your committee on Enrolled bills, have examined a Joint Resolution, for the relief of Charles B. Snow, and find the same correctly Enrolled, and after being signed by the Speaker of the House, and President of the Senate, and was this day presented to His Excellency, the Governor for his approval.

(Signed)

JAMES S. GILLETT,
One of the Committee.

Mr. Ogden introduced a Joint Resolution, making an appropriation to enable the Governor to send out despatches for the better security of the country.

Read a first time; and

On motion of Mr. Howard, Rule further-suspended.

Bill, read a second time, and ordered to be engrossed.

Rule, further suspended, Bill read a third time, and passed.

A bill to establish a General Land Office for the State of Texas, was taken up, and

On motion of Mr. Gooch, was made the special order of the day, for to-morrow, 10 o'clock.

Mr. Burroughs Chairman of the committee on Enrolled bills, made the following report, which was adopted.

To the Honorable W. H. Bourland,

Speaker of the House of Representatives:

The committee on Enrolled bills have examined An act, to require the County Treasurer of Paschal county to pay over all the monies collected by him for county purposes, which remains in his possession after the said county of Paschal was declared unconstitutional, also

An act to apportion the liabilities of Houston, between said county and the county of Anderson.

Also an act for the relief John Konner.

Also an act to authorize the Commissioner of the General Land Office to issue Patents to Joseph McGee.

Also an act, to authorize the Governor to procure and have copied for the benefit of the several counties of the State, a full set of weights and measures.

Also an act, requiring the county of Newton to pay a portion of the debt of the county of Jasper.

An act prescribing the duties and power of the commissioners appointed to locate the county seats, of Panola and Upshur counties.

An act, to provide for raising a jury fund.

And find the same correctly enrolled, and being signed by the Speaker of the House, and President of the Senate, were this day presented to His Excellency the Governor, for his approval, May 4th, 1846.

(Signed)

JAMES M. BURROUGHS.

Chairman.

Mr. Russell, chairman of the committee on Engrossed Bills, made the following report, which was adopted:

COMMITTEE ROOM }
May 4, 1846. }

To the Honorable W. H. Bourland,

Speaker of the House of Representatives:

The committee on Engrossed Bills have examined the following bills, to wit:

"A bill, to be entitled an act, to wind up, and close the business of the Treasury Department of the late Republic of Texas;" also

A "Resolution that J. P. Henderson, Governor of the State of Texas, have leave and authority, to take command, in person all troops raised and mustered into service, by order of the General Government.

And find the some correctly engrossed.

(Signed)

A. J. RUSSELL,

Chairman.

The report of the committee on conference, on a bill to organize County Courts;"

Was read and adopted.

Mr. Gray, from the the same committee, made the following counter report:

COMMITTEE ROOM, }
April 30, 1846. }

To the Honorable Speaker,

of the House of Representatives:

The undersigned, one the committee of conference, on the part of the House, appointed to confer on the subject of disagreement between the two Houses, in a bill to organize County Courts, asks leave to state he *agrees fully* in every recommendation of the committee, except in that which relates, to the County Courts, bringing Jurisdiction in Probate matters. To the recommendation, that the House concur in the amendment of the Senate, which strikes out the Jurisdiction over Probate matters, the undersigned gives his assent because he finds there is no hope that the Senate will recede, and thereby, the whole bill, which contains other important objects, will fail.—

This assent, however, is given with the express view to insert in the bill, organizing Probate Court, a clause, that said Court shall consist of three or more Judges, and, under an intimation that the Senate will concur in such a provision.

(Signed)

P. W. GRAY.

A bill to authorize the issuing of Patents to assignees of good or genuine unconditional, Head Right Land certificates.

Read a third time and passed.

A substitute from the Senate, to a bill, to authorize the County Surveyor of Liberty county, to furnish the County Surveyor of Tyler county, with a map of the surveyed lands of Tyler county.

Was read and adopted.

A bill requiring the Commissioner of the General Land Office, to issue Patents, upon unconditional Head Right certificates for land, with amendments from the Senate.

The House concurred in the amendments.

A bill, regulating the office of County Treasury, with amendments from the Senate.

The House concurred in the amendments.

A bill to authorize the Secretary of State, to exchange Literary works of this State, for that of other countries;

Was read a third time and passed.

A bill, to provide for the election of officers of Dallas county.

Read a third time, and passed.

A bill to locate the seat of Justice of Leon county.

Read a third time, and passed.

A bill to legalize the license, and practice of attorneys and counsellors at law;

Read a third time and passed.

A bill to authorize Thomas Cox, to liberate certain slaves;

Was read a third time; and

Yeas and nays were called for on the passage, stood

Yeas—Messrs. Speaker, Barry, Brown, Clark, Cooke, Cronican, Echols, Eddy, Gilliam, Gooch, Keenan, McKlarty, McNeill, Miller, Millican, Noble, Swift, Sublett and Truit—19.

Nays—Messrs. Cazneau, Charlton, Dickson, Edwards of San Augustine, Erath, Gray, Gillett, Howard, Hudson, Irion, Jones, Mabry, McFarland, Muckleroy, Mullins, Pease Perry, Rayner Redgate, Russell, Ryburn, Sadler, Savage, Smith of Harris, Smith of Rusk, Tankersly, White and Williams—28

So the bill was rejected.

A bill to be entitled, "An act, for the relief of Travis G. Brooks;" was taken up—together with the report, thereon, made by the select committee.

Which report was read and adopted.

On motion of Mr. Sublett, the bill was ordered to be engrossed.

A bill, to be entitled, "An act, to prevent slaves from hiring their own time, or their owners from hiring them to other slaves, free negroes or mulattoes;" was taken up, and

Read a second time.

On motion the bill was passed to a third reading.

On motion of Mr. Erath the House adjourned, until to-morrow morning 10 o'clock.

HOUSE OF REPRESENTATIVES,

CITY OF AUSTIN, TUESDAY,

May 5, 1846.

9 O'CLOCK, A. M.

The House met, the roll was called, and the following members answered to their names:

Messrs Speaker, Adams, Barry, Brown, Burroughs, Cazneau, Charlton, Clark, Cooke, Cronican, Crump, Dickson, Dupree, Durham, Echols, Edwards of San Augustine, Eddy, Erath, Gray, Gillet, Gilliam, Gooch, Hudson, Jones, Keenan, Mabry, McFarland, McNeill, Miller, Millican, Mnckleroy, Mullins, Noble, Ogden, Pattillo, Perry, Railey, Rayner, Redgate, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truit, White, Williams and Willie—53.

A quorum being present the Journals of the preceding day were read and adopted.

Mr. Gray, chairman of the Judiciary committee, to whom was referred "A bill to secure the payment of fines imposed by the District courts of the State, made the following report which was read and laid on the table to come up among the orders of the day.

COMMITTEE ROOM, }
May 4, 1846. }

To the Honorable,

Speaker of the House of Representatives:

The committee on the Judiciary, have considered a Bill, to be entitled, "An act, to secure the payment of fines imposed by the District Court of the state;" and instruct me to report:

That the provisions of said bill are good, they believed it will remedy, in a great degree the defect heretofore existing in our laws in consequence of which many offenders have es-

escaped the punishment due for their crimes. They instruct me to recommend its passage.

[Signed]

P. W. GRAY.

Chairman.

Mr. Tankersly, chairman of the Finance committee, to whom was referred, "A bill for the relief of Nathaniel Amory, made the following report, which was read and laid on the table, to come up among the orders of the day.

COMMITTEE ROOM, }
May 5, 1846. }

To the Honorable

Speaker of the House of Representatives:

The committee on Finance, having considered a Bill, to be entitled "An act, for the relief of Nathaniel Amory, instruct me to report the Bill back to the House, with the following amendment to the first section of the Bill, after the word Account in the last line thereof:

PROVIDED, ALSO, *That the Drafts which may be issued by the Comptroller, according to the provisions of this act shall be receivable for Taxes and dues to the late Republic of Texas, and not otherwise.*

With which amendments the committee recommend the passage of the Bill.

[Signed]

B. F. TANKERSLY,

Chairman.

Mr. Clark made the following report:

To the Honorable W. H. Bourland,

Speaker of the House of Representatives:

The committee on State Affairs; to which was referred, "An act, defining the duties of the County Commissioners of Rusk County," have had the same under consideration, and believing that the Law is unnecessarily herewith return the same to the House, and recommend it to be laid on the table"

[Signed]

E. CLARK,

Chairman.

Which report was read and adopted.

Mr. Russell, chairman of the committee on Engrossed Bills, reported, that he had examined "A bill for the relief of Travis G. Brook," and find the same correctly Engrossed.

Which report was read and adopted.

Mr. Willie, chairman of the select committee, to whom was referred a Joint Resolution, for the relief of Tho's H. Johnson

and James Welb, made the following report, which was read, and laid on the table, to come up among the orders of the day.

COMMITTEE ROOM,
May 4, 1846.

To the Honorable W. H. Bourland,

Speaker of the House of Representatives:

A Majority of the select committee, to whom a Joint Resolution for the relief of Tho's Johnson and James Welb was referred, ask leave to report: That they are satisfied that the services, in consideration of which the relief is asked, have been renewed; and that the claim is equitable and just. The President of the Republic of Texas, in conformity with the General Land law of the 14th December eighteen hundred and thirty seven, employed Thomas Johnson, who was authorized, to employ other counsel to defend certain Empersario suits. pending in the county of Washington, which involved an immense amount of the Public Domain, and absolutely required attention, in order that the interest of the Republic should not suffer. It appears from the certificate of the Clerk of the District Court, of that County, and from other proof before the Committee, that the suit mentioned in the Joint Resolution was defended by Messrs. Johnson and Welb, as counsel for the Republic, and as the suit was brought upon a claim for one hundred Leagues of Land, they conceive that the charge of Five Hundred Dollars is reasonable.

Your committee, in view of the Finances of the State, and believing that it is not prudent to make any appropriations, except such as are necessary to keep the Government in operation, offer a substitute for the second section of the Joint Resolution, which accompanies this report, and, with this amendment, they recommend the passage of the Resolution.

[Signed]

J. WILLIE,

Chairman

Mr. Mabry introduced a Bill, supplementary to An act, to provide for the election of Representatives to Congress of the United States.

Read a first time.

Mr. Mabry moved to suspend the rule, and read the Bill a second time.

Lost.

Mr. Howard moved, to take up a Resolution. authorizing the opening of negotiations for the cession of the Public Do-

mains to the Government of the United States, subject to the ratification of the people of the State; also.

A Bill, to ascertain and establish the Public Debt of the State of Texas, and.

A Bill to organize an Auditorial Board.

Mr. Smith of Rusk, moved a call of the House.

Carried.

A Message was received from the Senate, informing, the House that they have passed a Joint Resolution, making appropriation, to enable the Governor to send despatches, for the better security of the country, also,

Had adopted the substitute of the House, to a Bill, to repeal the fourth section of an act, to provide for the consideration and funding of the Public Debt, also.

Had concurred in the amendments of the House to the Bill defining the duties of Secretary of State, and had adopted the report of the committee of conference, on a Bill, to define the manner of running County lines; and.

Had passed by a constitutional majority, a Bill, to incorporate the Colorado mining company.

Mr. Dupree moved Mr. McClarty be excused from the call of the House. Carried.

And On motion of Mr. Dupree, the call of the House was suspended.

Question, on taking up the resolution, was taken and lost by the following vote:

Yeas—Messrs. Brown, Cazneau, Edwards of Nacogdoches, Gooch, Howard, Jones, Mabry, Muckleroy, Noble, Ogden, Pattillo, Railey, Rayner, Redgate, Savage, Swift, Truit, White, and Williams—19.

Nays—Messrs. Speaker, Adams, Barry, Burroughs, Charlton, Clark, Cooke, Cronican, Crump, Dickson, Dupree, Durham, Echols, Edwards of San Augustine, Eddy, Erath, Gray, Gillet, Gilliam, Hudson, Irion, Keenan, McFarland, McNeill, Miller, Millican, Mullins, Perry, Russell, Ryburn, Sadler, Stewart, Smith of Harris, Smith of Rusk, Sublett, Tankersly, and Willie—37.

Question, on taking up the bill, to ascertain and establish the public debt, and place it among the orders of the day, was taken and carried, by the following vote:

Yeas—Messrs. Speaker, Barry, Brown, Burroughs, Cazneau, Clark, Cooke, Cronican, Crump, Dickson, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gilliam, Gooch, Howard, Jones, Mabry, McFarland, Muckleroy, Noble, Ogden, Pattillo, Perry, Rayner, Redgate,

Russell, Savage, Stewart, Swift, Truit, White, Williams, and Willie—37.

Nays—Messrs. Adams, Charlton, Dupree, Echols, Gillet, Hudson, Irion, Keenan, McNeill, Miller, Milican, Railey, Ryburn, Sadler, Smith of Harris, Smith of Rusk, Sublett, and Tankersly—18.

Question, on taking up the bill to organize an Auditorial Board, was taken and lost.

A bill, to establish a General Land Office, made the special order of the day for ten o'clock, was taken up, with the amendments proposed by the committee on the General Land Office.

Mr. Stewart moved a call of the House. Carried.

Mr. Dupree moved to suspend the call of the House. Carried.

Question, on the adoption of the first amendment of the committee, was taken and carried, by the following vote:

Yeas—Messrs. Brown, Clark, Cronican, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Howard, Irion, Jones, Keenan, Miller, Milican, Muckleroy, Ogden, Pattillo, Redgate, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truit, White, Williams, and Willie—31.

Nays—Messrs. Speaker, Adams, Barry, Burroughs, Cazneau, Charlton, Cooke, Cronican, Crump, Dickson, Dupree, Durham, Gillet, Gilliam, Gooch, Hudson, Mabry, McFarland, McNeill, Mullins, Noble, Perry, Railey, Rayner, Russell, and Ryburn—25.

Question, on the adoption of the second and third amendments, was taken and carried.

Mr. Stewart offered the following, as an additional section:

It shall be the duty of the Commissioner, to issue copies of all Deeds and other instruments of writing of record in his office; and for all such copies, he shall charge, for the use of the State, fifteen cents for every one hundred words, and fifty cents for attaching thereto the seal of the General Land Office.

Mr. Ogden moved to strike out, in the amendment, "fifteen cents," and insert "eight cents."

Carried.

Mr. Dupree, moved to amend the amendment, by striking out all, after the words, "copies," and insert, "deliver at the request of any applicant, free of any charge."

Lost.

Question, on the adoption of the additional section, was taken and carried.

Mr. Edwards of Nacogdoches moved to amend by inserting the words, "That no copy of a Title shall issue from the Gen-

eral Land Office, without an order from the Secretary of State, which order shall be filed in the office, as a Document of Record, and shall express the original granted of said title."

Lost.

Question, on the adoption of the additional section, offered by the Committee, was taken and carried.

Mr. Twift, moved to amend, by inserting, after the word provide, that these shall be a convenient member of Deputy Surveyors, appropriated for each Surveyors District.

Mr. Stewart moved to amend the amendment, by inserting "whose District shall be so well defined to them, that those, will not occur conflicts in the Surveyors made by either Deputy," carried.

Question, on the adoption of Mr. Swift's amendment, as annexed, was taken and carried.

Mr. Williams moved to amend by inserting, "the county of Nueces shall be a separate land District."

Lost.

And bill passed to a third reading.

Mr. Ogden moved to take up the orders of the day, carried.

Mr. Willie moved to take up a Bill, relative to appeals to the Supreme Court.

Lost.

A Bill to wind up and clear the business of the Treasury Department, of the late Republic of Texas, was taken up read a third time and passed.

Mr. Tankersly introduced a Bill, to authorize the Governor, of the State, to appoint commissioners to examine into, and receive all books, papers, vouches, and property, belonging to and about the custom House of the late Republic of Texas.

Read a first time—Rule suspended—Bill read a second time and referred to the Committee on Finance.

A Bill for the relief of Thomas Anderson. read a first time—Rule suspended—Bill read a second time, and referred to a select Committee, composed of Messrs. Swift, Erath, and McNeill.

A Joint Resolution authorizing the Governor, to take command in person, of the forces mustered into service, by order of the United States Government—was taken up—Read a third time and passed.

Mr. Stewart moved a committee of conference be appointed, on a Bill, to provide for the removal of administrations from old to new Counties.

Carried.

The Chair appointed Messrs, Stewart, Crump, Eddy, and Swift, said Committee.

A Bill, to incorporate the Town of Crockett, with the amendments of the Judiciary committee, was taken up, and First, amendment adopted.

Mr. Irion moved to lay the Bill and amendments on the table.

Lost.

Question, on the adoption of the second, third, fourth, and fifth amendments was taken and carried—and Bill ordered to be Engrossed.

Mr. Sadler moved to suspend the Rule.—carried; and Bill Read a third time and passed.

Mr. Tankersly moved to take up the Bill, to provide for the collection of Taxes due and owing to the late Republic of Texas."

Also, "A Bill, to provide for the assessment and collection of Taxes for the year eighteen hundred and forty six.

Carried.

Bill read a third time—and ordered to be Engrossed.

Mr. Dickson moved to take up the General Appropriation Bill.

Lost.

Mr. White moved that the House adjourn, until half past two o'clock. Carried.

HALF PAST TWO O'CLOCK, P. M.

House met, roll called; and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Brown, Clark, Charlton Cronican, Crump, Dickson, Dupree, Echols, Edwards of Nacogdoches, Gray, Gillet, Gilliam, Gooch, Howard, Irion, Jones, Keenan, Mabry, McFarland, McNeill, Miller, Millican, Muckleroy, Pattillo, Perkins, Perry, Railey, Rayner, Redgate, Russell, Sadler, Savage, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truit, White, Williams and Willie—45.

Quorum present; and the House proceeded so business.

A Bill, requiring the County of Titus to pay a portion of the Debt of Red River county, with amendments offered by the Committee on State affairs, amendment adopted and Bill passed to its third reading, and

On motion of Mr. Barry, Rule suspended, Bill read a third time and passed.

A Bill, making appropriations for the support of the Government, for the years eighteen hundred and forty-six and eighteen hundred and forty seven, was taken up.

Mr. Dickson. moved that the House resolve itself into a committee of the whole, on said Bill, Lost.

On motion, the Bill, was read

First and second Items were read and adopted.

Third Item was read, and on motion of Mr. Howard, the Blank was filled with seven hundred and fifty dollars.

Fourth Item was read and adopted.

Fifth Item was read, and Mr. Willie moved to amend the same by striking out the words one thousand dollars, upon which the yeas and nays were called, and resulted: yeas 22, nays 27 as follows:

Yeas—Messrs. Speaker, Adams, Cazneau, Clark, Crump, Dupree, Howard, Hudson, Irion, Jones, McClarty, McNeill, Ogden, Perkins, Railey, Rayner, Redgate, Russell, Swift, Tankersly, Williams, and Willie.

Nays—Messrs. Barry, Brown, Charlton, Cronican, Dickson, Echols, Edwards, Gray, Gilliam, Gooch, Keenan, Mabry, McFarland, Miller, Millican, Muckleroy, Mullins, Pattillo, Perry, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Sublett, Truit, and White.

So the motion, to strike out, was lost.

On motion of Mr. Sublett, a call of the House was made and the Sergeant at arms despatched after absentee.

On motion of Mr. Irion, a further call was disposed with.

Mr. Willie moved to strike out the words, "One Thousand," and insert, "Twelve Hundred Dollars," in fifth Item, upon which the yeas and nays were called, and stood yeas 24 nays 33, as follows:

Yeas—Messrs. Speaker Adams, Cazneau Clark, Crump, Dupree, Durham, Gillett, Howard, Hudson, Irion, Jones, Keenan, McClarty, McNeill, Ogden, Perkins, Rayner, Smith of Harris, Swift, Tankersly, Williams and Willie.

Nays—Messrs. Barry, Brown, Burrouges, Charlton, Cook, Cronican, Dickson, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gilliam, Gooch, Mabry, McFarland, Miller, Millican, Muckleroy, Mullins, Nobte, Pattillo, Perry, Redgate, Russell, Sadler, Savage, Stewart, Smith of Rusk, Sublett, Truit, White.

So the amendment was rejected.

On motion of Mr. Echols, the fifth amendment was adopted.

The sixth Item was read, and Mr. Willie moved to strike the same out, upon which the yeas and nays were called, and stood thus:

Yeas—Messrs. Barry, Burroughs, Charlton, Cooke, Crump, Dupree, Edwards of San Augustine, Gilliam, Gooch, Mabry, McFarland, Miller, Millican, Muckleroy, Mullins, Noble Perkins, Railey, Russell, Swift, Sublett, Tankersly, White, Williams and Willie—29.

Nays—Messrs. Speaker, Adams, Brown, Cazneau, Clark, Cronican, Dickson, Echols, Edwards of Nacogdoches, Eddy, Erath, Gray, Gillett, Howard, Jones, Keenan, Mabry, McFarland, McNeill, Ogden, Pattillo, Perry, Rayner, Redgate Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, and Truit—30.

Motion to strike out, lost.

Mr. Howard moved to amend the sixth Item as follows:

If the Secretary, discharge all the duties of the office, he shall be entitled to draw the amount appropriated for clerk's hire. Rejected.

Question, recurring on the adoption of the sixth Item, was read and carried.

Seventh Item was read, and on motion of Mr. Miller, the word "five" was stricken out, and "three" inserted, and Item adopted.

Eighth Item was read, and Mr. Barry, moved to strike out "twelve hundred" and insert "one thousand," which was carried by the following vote:

Yeas—Messrs. Barry, Burroughs, Charlton, Cooke, Dupree, Durham, Echols, Gray, Gilliam, Gooch, Howard Irion, Keenan, Mabry, McClarty, Miller, Millican, Muckleroy, Mullins Noble, Ogden, Pattillo, Perry, Rusk, Sublett, Tankersly, Truit, White and

Nays—Messrs. Speaker, Adams, Brown, Cazneau, Clark, Cronican, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gillett, Hudson, Jones, McFarland, McNeill, Perkins, Railey, Rayner, Redgate, Savage, Stewart, Smith of Harris, and Swift—25.

Ninth item was read, and on motion of Mr. Willie, "two" was stricken out and "one" inserted.

Mr. Dupree moved a reconsideration of the vote just taken, on the adoption of Mr. Miller's amendment to the ninth Item.

Carried, and

The question recurring, on the adoption of the amendment

offered by Mr. Miller, was put and rejected, and the ninth Item adopted.

Tenth and eleventh Items were read and adopted.

Mr. Echols moved to amend the twelfth Item, by striking out "one hundred" and inserting "one hundred and fifty." Carried, and Item, as amended, adopted.

Mr. Stewart offered to amend the thirteenth Item, as follows:

"As Adjutant General, and for the closing up the business of the late war and marine Department, one thousand dollars annually." Adopted, and

Thirteenth Item, as amended, adopted.

Fourteenth Item was read, and Mr. Cazneau moved to strike out "three" and insert "five." Lost, and fourteenth Item adopted.

Mr. Barry moved to strike out, in fifteenth Item, the words "one hundred and fifty," and insert "twelve hundred." Lost, and Item adopted.

Mr. Charlton moved to strike out, in sixteenth Item, the words, "nine hundred" and insert "eight hundred," which amendment, was lost by the following vote:

Yeas—Messrs. Barry, Charlton, Cooke, Dickson, Dupree, Gilham, Gooch, Miller, Muckleroy, Mullins, Noble, Perry, Russell, Smith of Rusk, and Sublett—15.

Nays—Messrs. Speaker, Adams, Brown, Cazneau, Clark, Cronican, Echols, Edwards of Nacogdoches, Eddy, Erath, Gray, Gillet, Howard, Hudson, Jones, McFarland, McNeill, Millican, Ogden, Pattillo, Rayner, Redgate, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Swift, Tankersly, Fruit, White, Williams and Willie—43.

Sixteenth Item adopted.

Seventeenth Item was read, and Mr. Eddy moved to strike out "nine hundred" and insert "one thousand."

Amendment rejected, and Item adopted.

Eighteenth Item read and adopted.

Nineteenth Item was read, and Mr. Mabry moved to strike out "six hundred" and insert "eight hundred," which was carried by the following vote: *Yeas* 31, *nays* 21.

Yeas—Messrs. Speaker, Adams, Cazneau, Clark, Cronican, Crump, Eddy, Erath, Gillet, Gooch, Howard, Hudson, Irion, Jones, Mabry, McClarty, McFarland, McNeill, Ogden, Pattillo, Railey, Rayner, Redgate, Savage, Stewart, Tankersly, Fruit, White and Williams—31.

Nays—Messrs. Barry, Brown, Burroughs, Charlton, Cooke, Dickson, Echols, Edwards of Nacogdoches, Gray, Gilliam, Millican, Muckleroy, Mullins, Noble, Perry, Russell, Ryburn, Sadler, Smith of Harris, Smith of Rusk, and Sublett—21

The nineteenth Item adopted, as amended.

Twentieth and twenty-first Items, were read and adopted.

Twenty-third Item was read, and Mr. Ogden moved to strike out "four" and insert "five." Lost, and Item was adopted.

Twenty-third Item was read and adopted.

Mr. Swift offered an additional Item, as follows:

For postage of the General Land Office, three hundred dollars.

Adopted.

Mr. Stewart offered an additional Item, as follows:

For building an additional room to land office, one thousand dollars, or so much thereof as may be necessary for the purpose.

Rejected.

Mr. Miller offered to amend the twenty-third Item, as additional, to wit:

For repairing Land office, five hundred dollars. Adopted.

Mr. McNeill offered a substitute for the amendment to twenty-third Item, which reads:

For putting an addition to, and recovering General Land Office, one thousand five hundred dollars, which was rejected.

Mr. Edwards of Nacogdoches, offered to amend as follows:

For county maps, annually two thousand five hundred dollars. Rejected.

Also, for connecting surveys and county lines, annually, five hundred dollars. Adopted.

Mr. Miller offered to amend twentythird Item, as follows:

For four Draftsmen to visit those counties, whose maps are imperfect, and make out perfect maps, three hundred dollars.

Mr. Swift offered to amend the amendment, offered by Mr. Miller, as follows:

For protracting District maps, one thousand dollars, which was adopted; and the question being put on Mr. Miller's amendment was rejected.

On motion of Mr. Sublett the twenty-fourth and twenty-fifth items were stricken out.

Twenty-sixth Items read, and on motion of Mr. Howard, "one thousand" was stricken out and "one thousand five hundred" inserted by a vote of 30 yeas and 17 nays, as follows:

Nays—Messrs. Speaker, Adams, Cazneau, Cronican, Dupree, Durham, Edwards of Nacogdoches, Edwards of San Au-

gustine, Erath, Gray, Gillet, Howard, Hudson, Irion, Jones, McClarty, Millican, Noble, Ogden, Pattillo, Railey, Rayner, Redgate, Russell, Sadler, Stewart, Swift, Sublett, White, and Willie—30

Nays—Messrs. Barry, Brown, Burroughs, Cooke, Dickson, Echols, Gooch, Mabry, McFarland McNeill, Miller, Muckleroy, Perry, Ryburn, Smith of Harris, Smith of Rusk, Truit, and Williams—17.

And twenty-sixth Item as amended, was adopted.

Twenty-seventh and twenty-eighth Items, were read and adopted.

Twenty-ninth Item was read and on motion of Mr. Willie, "two hundred and fifty" was stricken out, and "three hundred" inserted, and twenty-ninth Item adopted.

The thirtieth to the thirty-eighth Items inclusive, were severally read and adopted.

The twenty-ninth Item was read, and on motion of Mr. Willie, the word "four" was stricken out and "five" inserted by the following vote:

Yeas—Messrs. Speaker, Adams, Cazneau, Clark, Cronican, Dupree, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gillet, Gilliam, Gooch, Howard, Hudson, Irion, Jones, McClarty, McNeill, Ogden, Rayner, Ryburn, Stewart, Swift, Tankersly, Williams and Willie—27.

Nays—Messrs. Barry, Brown, Charlton, Cook, Dickson, Echols, Gray, Mabry, McFarland, Miller, Millican, Muckleroy, Noble, Pattillo, Perry, Redgate Russell, Sadler, Savage, Smith of Harris, Smith of Rusk, Sublett, Truit and White—24.

Fortieth item was read, and Mr. Bourland moved to strike out the words "three hundred" and insert, "for salary of Chief Clerk of the House of Representatives, eight hundred dollars."

Mr. Swift offered to amend the amendment offered by Mr. Bourland, by inserting "for biennial salary," which was adopted; and

The fortieth item was adopted.

Forty-first to the forty-third items were severally read and adopted.

A message was received from the Senate, informing the House of the passage of

"A Bill to suspend the further introduction of emigrants into the Colonies under contracts made with the President of the late Republic of Texas;" also,

"A Bill appropriating an office to the clerk of the Supreme Court;" also,

"A Joint Resolution requiring the Governor to appoint Field and Staff officers of the volunteer army of the State of Texas."

Mr. Gillet, from the committee on Enrolled Bills, made the following report, which was adopted:

COMMITTEE ROOM, }
May 5th, 1846. }

*To the Honorable Speaker
of the House of Representatives:*

Your committee on Enrolled Bills, have examined a Joint Resolution making appropriation to enable the Governor to send out despatches for the better defence of the country; also, an act requiring the Commissioner of the General Land Office to issue patents in the name and by the authority of the State of Texas, and find the same correctly enrolled, and after being signed by the Speaker of the House, and President of the Senate, was this day presented to His Excellency the Governor for his approval.

[Signed]

JAMES S. GILLET,
One of the Committee.

On motion of Mr. Tankersly, the House adjourned until half past seven o'clock.

HALF PAST SEVEN O'CLOCK, P. M.

House met, roll called, and the following members answered to their names;

Messrs. Speaker, Adams, Barry, Charlton, Clark, Cronican, Crump, Dickson, Dupr e, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gillet, Gilliam, Gooch, Irion, Mabry, McFarland, McNeill, Miller, Millican, Muckle-roy, Noble, Pattillo, Perry, Railey, Rayner, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Sublett, Tankersly, Truit, and Whillie."

No quorum present.

Mr. Echols moved the House adjourn until to-morrow morning, half past eight o'clock.

Lost.

Mr. Willie moved the House adjourn, until to-morrow, eight o'clock.

Lost.

Mr. Millican moved the House adjourn until to-morrow morning, half past eight o'clock.

Mr. Charlton moved that the House adjourn until to-morrow morning, half past eight o'clock.

Motion lost.

Mr. Gillet moved that a call of the House be made.

Which motion was carried.

On motion of Mr. Truit, the further call of the House was suspended.

Mr. Truit then moved that the House adjourn until half-past eight o'clock, to-morrow morning.

Which motion was carried.

HOUSE OF REPRESENTATIVES,
CITY OF AUSTIN, WEDNESDAY.
May 6th, 1846.

House met; roll called, and the following members answered to their names:

Messrs. Speaker, Barry, Brown, Charlton, Cooke, Cronican, Dickson, Dupree, Durham, Echols, Edwards, of Nacogdoches, Eddy, Erath, Gray, Gillet, Gilliam, Irion, Keenan, Mabry, McFarland, McNeil, Miller, Muckleroy, Mullins, Noble, Perkins, Perry, Railey, Rayner, Redgate, Ryburn, Savage, Sadler, Stewart, Smith of Rusk, Swift, Sublett, Tankersly, Truit, White, Williams, and Willie.

Quorum present—Journals of the preceding day read and adopted.

Mr. Gray, Chairman of the Judiciary committee, to whom was referred "A Bill to define the time of holding the District Courts," made the following report, which was read and laid on the table to come up among the orders of the day:

COMMITTEE ROOM,
May 4th, 1846.

To the Honorable Speaker of the
House of Representatives:

The committee on the Judiciary, have considered a bill, to be entitled "An act to define the time of holding the Courts" in the several Judicial Districts of the State of Texas, and have agreed to several amendments hereto annexed, with which they recommend its passage.

[Signed] P. W. GRAY,

Chairman.

Mr. Clark made the following report, which was read and adopted:

COMMITTEE ROOM,
May 5th, 1846.

To the Honorable Wm. H. Bourland,

Speaker of the House of Representatives:

The committee on State Affairs, to which was referred the petition of Jim Shaw, a Delaware Indian, have had the same under consideration; and without recommending any particular or definite course in relation thereto, instruct me to return the same to the House for its action. Some of the committee are of the opinion that the passage of a law for the purpose, is not necessary, in order for the petitioner to acquire the rights and privileges which he asks. The committee believe that if in any case it would be prudent to grant the immunities required by the petitioner, that this in consideration of the services rendered by the said Shaw to the country, is one. In regard to the second request of the petitioner, the committee think that, if under the terms of annexation, we have a right to dispose of the public domain for any other purpose than that mentioned in the Joint Resolution for annexing Texas to the United States, it would be improper to do so at this time.

Believing that the petitioner justly merits the esteem and kind attention of the people of Texas, the committee request, for his petition, the courteous consideration of the House.

EM. CLARK,
Chairman.

Mr. Keenan made the following report, which was read and adopted:

COMMITTEE ROOM, }
May 5th, 1846. }

*To the Honorable Wm. H. Bourland,
Speaker of the House of Representatives:*

The committee on Education, have considered a bill entitled "An act to appoint David Ray a trustee for Rusk County Academy, and to fix the number necessary to constitute a quorum," and would respectfully report that the law passed at the ninth session of the Congress of the Republic of Texas, provided as fully as is necessary for the appointment of trustees to said Institution, and for the number constituting a quorum to do business. They would therefore recommend the bill to be laid on the table, and ask to be discharged from the further consideration of it.

[Signed]

C. G. KEENAN,
Chairman.

Mr. Erath made the following report:

*To the Honorable Wm. H. Bourland,
Speaker of the House of Representatives:*

The Select Committee, to whom was referred a bill to define more definitely the Western boundary of Milam county, have had the same under consideration, and unanimously instruct me to report the same back to the House, and recommend its passage.

[Signed]

G. B. ERATH,
Chairman.

Which report was read and adopted.

Mr. Erath moved to take up the bill, to define more definitely the Western boundary of Millam county.

Carried.

Bill read a second time, and ordered to be engrossed.

Rule suspended;

Bill read a third time and passed.

Mr. Willie introduced "A Joint Resolution for the relief of Augustus Williams.

Read a first time.

Mr. Willie moved to suspend the rule. Lost.

Mr. Gray introduced a Joint Resolution, fixing the mileage and per diem pay of members of the Legislature.

Read a first time.

Rule suspended—Bill read a second time.

Mr. Pattillo moved to insert "and the officers of the Legislature shall receive the same per diem pay as members."

Mr. Willie moved to strike out all after the word "receive," and insert "shall receive five dollars per day."

Mr. Mabry moved to lay the amendment on the table.

Carried.

Mr. Sublett moved the bill be engrossed.

Mr. Willie moved to amend by inserting, "shall receive five dollars per day for the first forty days, and two dollars for the balance of the session." Lost.

Mr. Sublett moved the previous question, which was the engrossment of the bill.

Carried, and bill ordered to be engrossed.

Rule suspended—bill read a third time, and passed.

Mr. Swift, Chairman of the Select Committee, to whom was referred, a bill to for relief of Thomas Anderson, reported the same back to the House, and recommended its passage.

Report read and laid on the table to come up among the orders of the day.

Mr. Howard moved to take up a joint resolution authorizing the Governor to make certain appointments in the army.

Lost.

Mr. Dickson moved to take up the

ORDERS OF THE DAY.

Carried.

A bill making appropriations for support of the Government for the years 1846 and 1847, was taken up.

Mr. Sadler moved to strike out "ten thousand dollars for the erection of a Penitentiary."

The yeas and nays being called, stood:

Yeas—Messrs. Speaker, Adams, Barry, Cazneau, Cronican, Erath, Gray, Howard, Irion, Noble, Ogden, Perkins, Sadler, Stewart, Smith of Rusk, and Williams—16.

Nays—Messrs. Brown, Burroughs, Charlton, Clark, Dickson, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gillit, Gilliam, Gooch, Keenan, Mabry, McFarland, McNeill, Miller, Muckleroy, Mullins, Pattillo, Perry, Rayner, Railey, Redgate, Russell, Savage, Smith of Harris, Swift, Sublett, Tankersley, Truit and White—33.

Question to strike out lost

Mr. Williams moved to strike out "ten thousand dollars," and insert "one thousand dollars." Lost.

Mr. Ogden moved to fill the blank with "one thousand two hundred dollars" as compensation of officers under the Republic. Lost.

Mr. Gooch moved to strike out the words "or otherwise."—Carried.

Mr. Echols moved to fill the blank with "one thousand dollars." Carried.

Mr. Stewart moved to insert one hundred dollars for pay of copying the laws, &c. Lost.

Mr. Gooch moved to strike the item for serving of land scrip. Lost.

Mr. McFarland moved to strike out "five hundred dollars as part pay for services for G. W. Terrell." Lost.

Mr. McNeill moved to insert, after the word "clerks," the words "continued in service since the ninth day of February last." Carried.

Mr. Pattillo moved to insert the words, "this act shall take effect from and after its passage." Carried.

Mr. Gooch moved to strike out "one thousand dollars," as compensation for projecting maps and marking county lines," and insert "three thousand dollars." Lost.

Mr. Mabry moved to strike out "three hundred dollars" for postage for the General Land Office, and insert "one hundred dollars."

Mr. Durham moved to lay the amendment on the table. Carried.

Mr. Miller moved to amend, by striking out "one thousand dollars" and inserting "for four draftsmen to visit those counties whose maps are imperfect, and make out perfect maps, three thousand dollars."

Mr. White called for a division of the question.

Question on striking out, was taken and lost.

Mr. Miller offered a substitute for the amendment—"for pay of draftsmen to visit those counties whose maps are incomplete, and in conjunction with the County Surveyors make out correct maps under the direction of the Commissioner of the General Land Office, two thousand dollars." Lost.

Mr. Dickson called for the previous question. Carried.

Question on the engrossment of the bill was taken and carried.

Mr. Sadler moved to suspend the rule.

Carried.

Bill read a third time by its caption, and passed by the following vote:

Yeas—Messrs. Barry, Brown, Clark, Cronican, Dickson, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gillet, Howard, Jones, Keenan, Mabry, McFarland, McNeill, Miller, Muckleroy, Ogden, Pattillo, Rayner, Ryburn, Sadler, Savage, Stewart, Swift, Sublett, Tankersly, Truit, White and Williams—34.

Nays—Messrs. Speaker, Adams, Cazneau, Charlton, Dupree, Gilliam, Gooch, Irion, Mullins, Noble, Perkins, Perry, Redgate, Ryburn, Smith of Harris, Smith of Rusk and Willie—17.

Mr. Stewart asked, and obtained leave of the House to change his vote on the appropriation for the erection of a Penitentiary.

A bill, to suspend the further introduction of emigrants into the colonies, made under contract with the President of the late Republic of Texas, was taken up; and

Read a first time.

Rule Suspended.

Read a second time; and

On motion of Mr. Brown, referred to the Judiciary committee.

A Joint Resolution, authorizing the Governor to appoint the Field and Staff Officers of the Volunteers, raised by order of the late proclamation of the Governor, was taken up,

Read a first time.

Question on passing the Resolution to a third reading, was taken and lost, by the following vote:

Yeas—Messrs. Cazneau, Durham, Edwards of San Augustine, Eddy, Howard, Hudson, Jones, McNeill, Ogden, Perkins, Rayner, Redgate, Russell, Savage, Swift, White, and Williams—17.

Nays—Messrs. Speaker, Adams, Barry, Brown, Burroughs, Charlton, Clark, Cooke, Cronican, Crump, Dickson, Dupree, Echols, Edwards of Nacogdoches, Erath, Gray, Gillett, Gilliam, Gooch, Irion, Keenan, Mabry, McFarland, Miller, Muckleroy, Mullins, Noble, Pattillo, Perry, Ryburn, Sadler, Smith of Harris, Smith of Rusk, Sublett, Tankersly, Truit and Willie—37.

Mr. White moved to take up a Resolution providing for

the organization of the Volunteers, ordered out by His Excellency, the Governor.

Lost.

A bill to amend the seventeenth Section of an act, to repeal in part and amend an act, to incorporate the city of Galveston, approved February 5th, 1840; was taken up, and

Read a second time.

Mr. Tankersly moved, to amend, by inserting the words "except the citizens of Texas." Carried; and

On motion of Mr. Tankersly the bill was laid on the table until three o'clock, P. M.

A message was received from the Senate informing the House that they had passed.

"A Joint Resolution authorizing the Governor to take command, in person, of the Volunteer army, of the State," also,

"A bill, providing for the adjustment of the Public Debt of the Republic, of Texas;" also

"An act authorizing the County Court of Brazoria county, to have a Duplicate made of the Record Book of Deeds &c," also

"A bill to organize the opening and construction of a Turnpike Road from the city of Houston to the town of Brenham" with an amendment, also

Had adopted a substitute of the House, to

"A bill, to organize the District Courts, and to define their powers and jurisdiction;" and had rejected,

"A bill to prohibit free negroes from settling in the State;"

"A bill to repeal an act, regulating Judicial proceedings, in civil cases, was taken up, and read a second time; and

On motion of Mr. Gray was laid on the table.

"A bill to provide for the payment of Commissioners appointed by the several acts creating new counties, was taken up, read a second time; and

On motion of Mr. McNeill was laid upon the table.

"A bill to authorize the Governor to appoint a Private Secretary;" was taken up,

Read a second time; and

On motion of Mr. Cazneau, laid on the table.

"A bill, to be entitled act, to repeal the fourth section of an act, granting land to those who were in the battle of San Jacinto and other battles—repealed, December 21st, 1837;" was taken up, and

Read a first time.

A bill, to be entitled, "An act, for fixing the time of holding

Elections for the _____ States;"
taken up, read a _____

And referred _____

Mr. Russell, _____ Engrossed Bills,
reported:

That they had examined _____ Engrossed:

A bill, to be entitled, "An act, to define the office and duties
of sheriffs;" also

A bill, to be entitled, "An act, for the assessment and collec-
tion of taxes for the year 1846;" also

A bill, to be entitled, "An act, to define, more definitely the
Western Boundary of Milam county;" also

A bill, to be entitled, "An act, to provide for the collection of
taxes due and owing the late Republic of Texas;"

Which report was read and adopted.

"A Joint Resolution to provide for the organization of the
Troops called in the field by the late Proclamation of the Gov-
ernor;" was taken up, and resolution

Read a second time.

Mr. Willie moved to lay the resolution upon the table.

Which motion was lost.

Mr. Dupree moved to refer the bill to a select committee.

Which motion was adopted.

And the chair appointed Messrs. Dupree, Smith of Rusk,
Willie, Echols and Cazneau, said committee,

A bill, to be entitled, "An act for the benefit of Lovel Coff-
man's deaf and dumb son;" was taken up, and

Read a second, and referred to the committee on Educa-
tion.

A bill, to be entitled, "An act, to define the office and duties
of coroners," was taken up, and

Read a second time, and ordered to be engrossed.

Rule suspended, and

Bill read a third time by its caption, and passed.

Mr. Brown moved to take up a bill, to be entitled, "An act,
for the relief of Travis G. Brooks;"

Which motion was adopted, and

The bill was read a third time and passed.

A bill, to be entitled "An act, for the relief of McKinney &
Williams;" was taken up, and

On motion of Mr. Brown, was laid on the table.

A bill to be entitled, "An act, to define the office and duties
of Constables;" was taken up, and

Read a second time, and ordered to be engrossed; and

On motion of Mr. Brown, the rule was suspended and the bill,

Read a third time and passed.

On motion of Mr. Sublett the House adjourned until half-past two o'clock, P. M.

HALF-PAST TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

The roll called, and the following members answered to their names:

Messrs. Speaker, Adams, Brown, Cazneau, Charlton, Clark, Cronican, Crump, Dickson, Dupree, Durham, Echols, Edwards of San Augustine, Eddy, Erath, Gray, Gillet, Gilliam, Gooch, Irion, Jones, Keenan, Mabry, McClarty, McFarland, McNeill, Miller, Muckleroy, Mullins, Pattillo, Perry, Bailey, Rayner, Redgate, Russell, Sadler, Savage, Stewart, Smith of Rusk, Swift, Sublett, Tankersly, White, and Williams.

Quorum present; and

The House proceeded to business.

A bill to be entitled, "An act to prevent confusion in Judicial proceedings, arising from the repeal of laws under which they were had or accrued," was read a second time, and

On motion of Mr. Gray, was ordered to be engrossed.

A bill, to be entitled, "An act, to prevent slaves from carrying fire arms,"

With report of the committee on State Affairs; and

Mr. White moved that the amendment offered by the committee be adopted.

Which motion was carried.

Mr. Gooch moved to lay the bill on the table until 1847.

Which motion was rejected.

Mr. Gooch, offered the following amendment:

Without the permission of the owner or employer thereof.

Mr. Russell offered a substitute for Mr. Gooch's amendment. "Unless in assisting their masters or the Freemen of Texas in defending the country."

Substitute and amendment rejected; and

On motion of Mr. Jones, the bill was ordered to be engrossed.

A bill to be entitled, "An act to organize the Supreme Court of Texas," was

Read a third time and passed.

A message was received from the Senate informing the House, that the Senate had concurred in the amendment of the House to a bill to be entitled, "An act, creating the county of Titus."

On motion of Mr. Gray, the bill to be entitled, "An act to organize Justices Courts, and to define the powers and Jurisdiction of the same;" with report of the Judiciary committee was taken up,

Amendments by the committee, severally read, and adopted; and the bill passed to its third reading; and

On motion of Mr. Stewart, rule suspended—bill read a third time and passed.

A bill to be entitled, "An act, to establish a State Penitentiary;" was

Read a third time and passed.

A bill, to be entitled "An act to secure the rights of Volunteers in the naval service of Texas, to their bounty land;" with the report of the Judiciary committee.

Question, on the adoption of the Report.

The yeas and nays being called, stood as follows:

Yeas—Messrs. Barry, Brown, Charlton, Clark, Crump, Dickson, Echols, Edwards of San Augustine, Gray, Gooch, Keenan, Mabry, McFarland, McNeill, Miller, Muckleroy, Mullins, Noble, Perkins, Perry, Rayner, Russell, Sadler, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truit, and White—31.

Nays—Messrs. Speaker, Adams, Cazneau, Cronican, Eddy, Erath, Gillet, Howard, Irion, Jones, McClarty, Ogden, Pattillo, Redgate, Savage, and Williams—16.

And the report was adopted,

Question, on the final passage of the bill, was then taken and decided in the negative.

The yeas and nays being called, stood:

Yeas—Messrs. Speaker, Adams, Cazneau, Cronican, Eddy, Erath, Gillett, Gooch, Howard, Irion, Jones, McClarty, Ogden, Pattillo, Redgate, Savage, and Williams—17.

Nays—Messrs. Barry, Brown, Charlton, Clark, Crump, Dickson, Echols, Edwards of San Augustine, Gray, Keenan, Mabry, McFarland, McNeill, Miller, Muckleroy, Mullins, Noble, Perkins, Perry, Rayner, Russell, Sadler, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett Tankersly, Truit and White—30

"Joint Resolution, proposing an amendment to the Constitution, providing for the Election of the Judges and District Attorneys, by the people."

With report by the committee on the Judiciary, also, the report of the minority of said committee.

The Report of the majority of the committee, on motion of Mr. Sublett was adopted by the following vote:

Yeas—Messrs. Barry, Brown, Cazneau, Cronican, Durham, Edwards of San Augustine Eddy, Erath, Gray, Howard Keenan, Miller, Muckleroy, Mullins, Ogden, Pattillo, Perkins Redgate Sadler, Savage Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, and Williams—27,

Nays—Messrs. Speaker, Charlton, Clark Dickson, Echols, Gillett, Gilliam, Gooch, Irion, Jones, Mabry, McClarty, McFarland, McNeill, Noble, Perry, Rayner, Truit and White—19

A bill, to be entitled, "An act, to incorporate the Lavaca, Guadalupe and San Saba Rail Road Company;"

Read a second time; and

On motion of Mr. Howard, passed to its third reading.

A bill, to be entitled, "An act, to incorporate the Colorado Mining Company."

With the Report of the Finance Committee was read; and

On motion of Mr. Perkins, the third Section was stricken out, and

On motion of Mr. Tankersly, the bill was laid on the table until to-morrow morning ten o'clock.

A substitute to the bill entitled, "An act, to amend the first Section of an act approved January 14, A. D, 1840, entitled an act authorizing the issuing of Duplicate Land certificates, Warrants, and Discharges for Head Right claims upon certain conditions."

The substitute was adopted and the bill passed to its third reading; and

On motion of Mr. White the Rule was suspended and the bill read a third time and passed.

A bill to be entitled "An act, to provide for the collection of Judgments, rendered by the District Courts," with the report of the committee.

The first, second and third amendments offered by the committee adopted.

Mr. Gray offered to amend Section, Attorneys fees, interest and cost.

On motion of Mr. Miller, the bill was indefinitely postponed.

Mr. Russell, from the engrossing committee, reported the correct engrossment of the following bills:

A bill, to be entitled, "An act to incorporate the town of Crockett;"

A bill, to be entitled, "An act to establish the mode of trying the right of property levied on under Execution, when claimed. &c."

Which Report was adopted.

A Bill to be entitled "An act to incorporate the German Texan Friendship association of Galveston."

Was read, and

On motion of Mr. Brown, laid upon the Table.

"Joint Resolution instructing our Senators, and requesting the Representatives of the State to endeavor to procure from the United States, indemnity to importers of Goods from the United States, to Texas, between the thirty-first of December, eighteen hundred and forty-five and sixteenth of February, eighteen hundred and forty six," was read, with the report of the Finance committee, and

On motion of Mr. Dupree, was laid on the table, until the first of January, next.

A substitute, to the Bill, entitled, "An act, defining the office and duties of Notaries Public, "was

Read a second time.

Mr. Stewart offered to amend the tenth section, by striking out, "all in relation to keeping a Record,"

Which amendment was adopted, and the Bill ordered to be Engrossed.

On motion of Mr. Stewart, the rule was suspended and the Bill was

Read a third time, and passed.

"Joint Resolution suspending Judgments, Suits and Executions, against Volunteers,"

Read a second time, and

On motion of Mr. Willie, Preamble was stricken out, and

On motion of Mr. Howard, the Bill was referred to the Judiciary Committee.

"Joint Resolution, Relative to the election of United States Senators in Congress."

Read a second time, and

On motion of Mr. Cazneau, was laid on the table

A bill to be entitled, "An act to provide for the adjustment of the Public Debt of the Republic of Texas." was

Read a first time, and

Mr. Stewart moved a suspension of the Rule for the further passage of the bill, which was rejected.

A Bill to be entitled, "An act appropriating an office for the Clerk of the Supreme Court," was read, and

On motion of Mr. Sadler, was laid on the table.

The "Bills for the collection of Taxes due and owing the late Republic of Texas." Also,

"To provide for the assessment and collection of Taxes for the year eighteen hundred and forty-six;" and also.

"Defining the office and duties of Sheriffs," were severally read a third time, and passed.

A Bill to be entitled, "An act to have the lines Surveyed between the Counties of Robertson and Limestone, Limestone and Leon, Leon and Navarro;" with the Report of the Committee of conference, which was adopted by the House.

SENATE CHAMBER, }
May 3, 1846. }

To the Honorable A. C. Horton,

President of the Senate,

And Honorable W. H. Bourland,

Speaker of the House of Representatives:

The Committee of Conference have had under consideration the Bill to be entitled, "An act, regulating the manner of running County lines," and instruct us to recommend the passage of the bill with the following proviso to the sixth section:

"*Provided*, in all instances that every line run as above directed, shall be made in Conformity with existing laws creating or defining said County Boundaries,"

All of which is respectfully submitted.

[Signed]

HENRY J. JEWETT,

Chairman of Committee of the Senate.

A. McNEILL,

*Chairman of the Committee of the
House of Representatives.*

A Bill to be entitled, "An act, incorporating the Colorado and Wilson Creek Railroad Company."

Read a first time, and

On motion of Mr. Mabry, Rule was suspended, Bill Read a second time, and

Mr. Jones moved to refer it to the committee on internal improvement, which was rejected, and

Mr. Cazneau moved its passage to a third reading.

There not being a Quorum present, the Clerk was ordered to call the roll:

Quorum present.

Question, on the passage of the Bill to its third reading, was decided in the affirmative, and

On motion of Mr. Mabry, the rule was further suspended, and the Bill Read a third time, and

The yeas and nays being call for on its final passage, stood thus:

Yeas—Messrs. Speaker, Adams, Barry, Brown, Cazneau, Charlton, Cronican, Dickson, Dupree, Durham, Echols, Edwards of San Augustine, Erath, Gray, Gillett, Gooch, Howard, Hudson, Irion, Keenan, Mabry, McFarland, McNeill, Miller, Muckleroy, Mullins, Ogden, Perry, Railey, Rayner, Redgate, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Tankersly, Truit, White and Willie—41.

Nays—Messrs. Clark, Eddy, Noble, Perkins Swift, and Williams—6.

So the Bill passed by a Constitutional majority.

A Bill supplementary to an act entitled, "An act, to provide for the Election of Representatives to the Congress of the United States" Read a second time, and

Mr. Gilliam moved to lay the Bill on the table, which was rejected.

Mr. Willie moved to lay the Bill on the Table until the first of August next, which was agreed to by the following vote:

Yeas—Messrs. Adams, Barry, Brown, Charlton, Clark, Cronican, Crump, Dickson, Dupree, Durham, Echols, Erath, Gray, Gillett, Gilliam, Gooch, Howard, Irion, McFarland, Miller, Muckleroy, Noble, Perkins, Russell, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Tankersly, Williams, and Willie—33.

Nays—Messrs. Speaker, Cazneau, Edwards of San Augustine, Hudson, Jones, Keenan, Mabry, McNeill, Mullins, Ogden, Perry, Railey, Rayner, Redgate, Sublett, and White—16.

A Bill to be entitled, "An act, to incorporate the several counties of this State which now exist or which may be hereafter established," with amendments from the Senate.

On motion of Mr. Gray, the amendments from the Senate were concurred in

A Bill to be entitled, "An act, to provide for the Registry of Deeds and other instruments of writing," with amendments from the Senate, were taken up.

On motion of Mr. Clark the House adjourned until to-morrow morning, 8 o'clock, A. M.

HOUSE OF REPRESENTATIVES, }

May 7, 1846. }

9 O'CLOCK A. M.

House met pursuant to adjournment.

The roll called and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Brown, Burroughs, Charlton, Clark, Cronican, Crump, Dickson, Dupree, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gillett, Gilliam, Gooch Hudson, Irion, Keenan, Mabry, McFarland, McNeill, Miller, Mullins, Noble, Pattillo, Pease, Perry, Railey, Rayner, Redgate, Russell, Ryburn, Sadler, Savage, Stewart Smith of Harris, Swift, Sublett, Tankersly Fruit, White and Williams.

Quorum present, the House proceeded to business.

The Journals of the preceding day read and adopted.

Mr. Keenan, chairman of the committee on Education, to whom was referred a bill, to be entitled, "An act, for the benefit of Lovel Coffman's deaf and dumb son;" made the following report, which was read and laid on the table to come up among the orders of the day:

COMMITTEE ROOMS }

May 7, 1846. }

Honorable W. H. Bourland,

Speaker of the House of Representatives:

The Committee on Education, have considered a Bill entitled An act, for the relief of the Deaf and Dumb son of Lovel Coffman, and instruct me to report:

That the unfortunate condition of the boy, call for the sympathy of every one, and, as he cannot, without being sent to some Institution, devoted especially to the instruction of the Deaf and Dumb, receive any benefit from the appropriation, so liberally made, for the support of schools and the diffusion of knowledge in our State. They therefore recommend the passage of the Bill, with the amendments, that "the Father" be stricken out, and "J. P. McKinsey" inserted

[Signed]

C. G. KEENAN

Messrs. Clark and Willie, a portion of the select Committee, to whom was referred a supplement to A Bill entitled, "An act, to establish the Judicial District Courts," made the following Report which was read and laid on the table, to come up among the orders of the day.

COMMITTEE ROOM, {
 April 28, 1846. }

*To the Honorable Speaker;
 of the House of Representatives:*

The select committee, to whom was referred, for their consideration, "An act, supplementary to an act to establish the Judicial Districts, of the District Court," and a Bill entitled: "An act, supplemental to an act, to divide the State into Eight Judicial Districts, cannot agree in regard to said Bill, and the undersigned, a portion of the committee, ask leave to report, that they conceive the passage of the Former Bill, absolutely requisite for the convenience of the people, and Judges of the District, proposed to be changed. By the arrangement made in the original act, and to which this act is a supplement, there are ten counties thrown into the eighth Judicial District, and extending over a Territory so large as to make it exceedingly laborious for any Judge, whose duty it may become to hold the Courts. There are nine Counties, comprising the sixth District, and the same objection exists to the division, originally made in relation to that District. The undersigned conceive the whole Bill, as it passed, to be inequitable; but the hurry with which the act was urged through the House, and the general desire to settle, in some way, the organization of the different Judicial Districts, rendered opposition useless, and those who had reason to be dissatisfied were compelled to yield to the prevailing opinion, on the part of the House, to settle the question. By the alterations proposed in the supplementary bill, there will be a more equitable division of labor among the Judges, and no incumbent of any Judicial Office, will be affected so far as relates to his residence. The latter suggestion is made for the purpose of satisfying any, who may be disposed to consult the convenience of the Judges by arranging the District so as not to affect their residence. In the opinion, however of the undersigned, this consideration is but trifling. They believing it the duty of the Legislature, to consult the convenience of the people generally, rather than that of any Judge. For they hold the doctrine, that men were made for offices and not the offices for men. The undersigned therefore recommend the passage of the first above named Act; and report the other back to the House for its action, without any suggestion, as to the propriety of passing it. The undersigned further recommend the first named Bill be so amended, as that the counties of Cass, Upshur, Rusk, Smith, Henderson, Shelby, Panola, and Harrison may comprise the Fifth Judicial District; and the

Counties of Jasper, Newton, Sabine, San Augustine, Angelina, Nacogdoches, Cherokee, Houston, and Anderson, the Sixth Judicial District, all of which is respectfully submitted.

[Signed]

J. WILLIE.

E. CLARK

On motion of Mr. Tankersly, leave of absence was granted the Hon. Mr. Crump, from and after Friday evening, for the remainder of the session.

Mr. Barry moved to take up the

ORDERS OF THE DAY.

Motion adopted.

A Bill to be entitled, "An act, providing for the Registry of Deeds and other instruments of writing," with amendments from the Senate was taken up, and amendments concurred in.

A Bill to be entitled, "An act to provide for the opening and constructing a Turn Pike Road from the City of Houston to the Town of Brenham" with amendments from the Senate, was taken up and amendments concurred in.

By leave, Mr. Clark, Chairman of the committee on State Affairs, to whom was referred a "Joint Resolution requiring the Governor to procure the plates upon which the Promissory Notes, and Exchequer Bills of the late Republic of Texas were printed."

Made the following Report, which was read and laid on the table, to come up among the orders of the day:

COMMITTEE ROOM, }
May 7, 1846. }

To the Honorable W. H. Bourland,

Speaker of the House of Representatives:

The committee on State Affairs, have had under consideration, "A Joint Resolution, requiring the Governor to procure the plates upon which the Promissory Notes, and Exchequer Bills of the late Republic of Texas were printed," and have instructed me to report the same back to the House, with the recommendation, that it be passed. The committee herewith present to the House a copy of a communication, from Messrs. Random, Wright, Hatch, and Eden, to the Honorable W. B. Ochiltree, late Secretary of the Treasury of the Republic of Texas, in relation to the subject.

[Signed]

E. CLARK,
Chairman.

A Bill to be entitled, "An act, to establish a General Land Office," was taken up and read a third time; and

Mr Jones moved a call of the House.

On motion of Mr. Dupree, Mr. Adams was excused.

On motion of Mr. Willie, Mr. Gilliam was excused.

On motion of Mr. Burroughs, Mr. Crump was excused, and

On motion of Mr. Cazneau the call of the House was suspended.

Question, on the final passage of the Bill, was then taken, and decided in the affirmative by the following vote:

Yeas—Messrs. Brown, Clark, Cronican, Crump, Echols, Edwards of Nacogdoches, Eddy, Erath, Gray, Gillett, Howard, Irion, Jones, Keenan, McClarty, McNeill, Miller, Millican, Muckleroy, Ogden, Pattillo, Pease, Perkins, Redgate, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truit, White, Williams, and Willie—37.

Nays—Messrs. Speaker, Barry, Burroughs, Cazneau, Charlton, Cooke, Dickson, Dupree, Durham, Gilliam, Gooch, Hudson, Mabry, McFarland, Mullins, Noble, Perry, Rayner, Russell, and Ryburn—20.

A Bill to be entitled, "An act, to secure the payment of fines imposed by the District Courts," was taken up, and

Read a second time, and

On motion of Mr. Sublett, the Bill was ordered to be Engrossed, and

On motion of Mr. Sublett, the rule was suspended, bill

Read a third time and passed by the following vote:

Yeas—Messrs. Brown, Charlton, Cronican, Dupree, Durham, Edwards of San Augustine, Gray, Gooch, Howard, Hudson, Mabry, McClarty, McNeill Miller, Muckleroy, Pease Perkins, Redgate, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Sublett, Tankersly, Truit, and Willie—27.

Nays—Messrs. Barry, Burroughs, Cazneau, Cooke, Dickson, Echols, Erath, Irion, Keenan, McFarland, Millican, Mullins, Noble, Pattillo, Perry, Rayner, Russell, Ryburn, Swift, White and Williams—21.

A Bill to be entitled, "An act, to incorporate the Colorado Mining Company," which was made the special order of the day, for ten o'clock, was taken up.

Mr. Willie, offered the following as an additional section.

"This incorporation shall exist for the term of twenty-one years, and the Capital of said Company shall never exceed one hundred thousand dollars.

Mr. Stewart moved to amend the amendment, by inserting.

"Provided said Company shall not hold Real Estate of greater value than the sum of \$25,000,000 exclusive of the value of the Mines."

Which amendment was adopted.

The question then recurred on the adoption of the amendment as amended; which was decided in the affirmative.

Mr. Gillett moved to strike out all after the words "Company," in the sixth line, second section. Rejected, and the

Question, on the Engrossment of the Bill was taken and decided in the affirmative.

Mr. Eddy made the following Report, which was Read and adopted.

COMMITTEE ROOM, }
May 7, 1846. }

To the Honorable W. H. Bourland,

Speaker of the House of Representatives:

The committee on Engrossed Bills have Examined A Bill to be entitled, "An act, to prevent confusion in Judicial proceedings, arising from the repeal of Laws, under which they were had or accrued."

A Bill to be entitled, "An act, making appropriations for the support of the Government, for the years eighteen hundred and forty-six and eighteen hundred and forty-seven."

A Bill to be entitled, "An act, to fix the pay and mileage of members of the Legislature."

A Bill to be entitled, "An act, to prevent Slaves from carrying Fire Arms, and find the same correctly Engrossed.

[Signed]

Z. WM. EDDY,

One of the Committee.

A Bill to be entitled, "An act, for the relief of Nathaniel Amory," with an amendment of the Committee on Finance was taken up, amendments adopted and Bill passed to a third reading:

A Bill to be entitled, "An act, for the relief of Thomas Anderson" was taken up, Read a second time, and passed to a third reading, and

On motion of Mr. Cazneau, the rule was suspended, Bill read a third time and passed.

Mr. Dupree, by leave, made the following Report, which was read and adopted.

To the Honorable Speaker,

of the House of Representatives.

A majority of the Committee, to whom was referred a Bill,

for the organization of the Militia called out by the Governor, have had the same under consideration, and instruct me to report the following as a substitute, and recommend the same to the consideration of the House.

[Signed]

L. G. DUPREE,

Mr. Mabry, moved a reconsideration of the vote, passing A Bill to be entitled, "An act, to secure the payment of fines imposed by the District Courts," which was rejected.

A message was received from the Senate, informing the House, that they had passed:

A Bill entitled, "An act, providing for the election of Offices for Dallas County," also,

A Bill to be entitled; "An act, for locating the Seat of Justice of Leon County," also,

A Bill to be entitled, "An act, to provide for the issuing of Patents to the assignees of good and genuine unconditional Head right land certificates;" also,

"An act, for the regulation of limited partnerships," with amendments; also,

"An act, to provide for the publication of the Laws of the State, with amendments; also,

A Bill to be entitled, "An act, to regulate the License and practice of Attorneys and Councillors at Law," with amendments; also,

Had passed a substitute for A Bill entitled, "An act, to provide for the loss of Field Notes of Survey;" also,

A Bill entitled, "An act, requiring the County of Lavacca, to pay a portion of the Debt of Colorado County;" also.

"A Bill ceding to the United States, jurisdiction over all Forts and Arsenals within this State," also,

"A Bill to authorize the appointment of Commissioners, to take acknowledgements of Deeds and other instruments of writing, executed out of this State;" and also,

That they refuse to concur in the amendments of the House, to a bill, providing for the erection of a Penitentiary;" also, they

Refuse to concur in the amendment of the House, to "A Bill, to organize the Supreme Court;" also,

They refuse to concur in the first amendment to a

"Bill organizing Justice Courts, and defining their powers and jurisdictions"

"A Joint Resolution for the relief of Thomas Johnson and James Webb," with a substitute for the second section, was taken up, and on motion of Mr. Smith of Rusk, was laid on the table.

A message was received from the Senate informing the House, that they had passed:

"A Bill for the relief of the heirs of John G. Welchman"

A Bill entitled, "An act, to provide for the adjustment of the Public Debt of the Republic of Texas," was taken up and read a second time.

Mr. Howard offered a Substitute for the first section.

Which was rejected by the following vote:

The yeas and nays being called, stood:

Yeas—Messrs. Cazneau, Erath, Gooch, Howard, Ogden, Pattillo, Perkins, Swift, White, and Willie—10.

Nays—Messrs. Speaker, Adams, Barry, Burroughs, Brown, Charlton, Clark, Cooke, Cronican, Crump, Durham, Echols, Edwards of San Augustine, Eddy, Gray, Gillet, Gilliam, Hudson, Irion, Jones, Keenan, Mabry, McClarty, McFarland McNeill, Miller, Millican, Muckleroy, Mullins, Noble, Perry, Rayner, Redgate, Russell, Ryburn, Sadler, Savage, Smith of Harris, Smith of Rusk, Stewart, Sublett, Tankersly, Truit, and Williams—44.

Mr. Gray, moved to refer the Bill to a committee of seven, to be raised by the House, with instructions to report thereon, to-morrow morning at ten o'clock.

On motion of Mr. Tankersly, the Bill was laid on the table until three o'clock, P. M.

And on motion of Mr. Tankersly, the House adjourned until half past two o'clock, P. M.

HALF-PAST TWO O'CLOCK; P. M.

House met pursuant to adjournment.

Roll called and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Brown, Charlton, Clarke, Crump, Cronican, Dickson, Dupree, Durham, Echols, Edwards of San Augustine, Eddy, Erath, Gilliam, Gooch, Hudson, Irion, Jones, Keenan, Mabry, McClarty, McFarland, McNeill, Miller, Millican, Muckleroy, Mullins, Pattillo, Perkins, Perry, Rayner, Redgate, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Rusk, Swift, Sublett, Tankersly, Truit, and Willie.

Quorum present.

A Bill entitled, "An act, to define the time of holding the

District Courts," with the Report of the Judiciary, committee, was read and amendments offered by the Committee, adopted.

Mr. Willie moved to amend the third section of the bill, as follows:

In section third, line fifth, strike out "Robertson" and insert "Leon;" in same section, strike out "Leon" and insert "Limeston;" in eleventh line strike out "Limestone" and insert "Navaro;" and in fourteenth line strike out "Navarro" and insert "Robertson;" and in sixteenth line strike out "one week" and insert "two weeks."

In seventeenth line, strike out "fifth" and insert "sixth;" in twentieth line, strike out "sixth" and insert "seventh;" and in twenty-third line, strike out "seventh" and insert "eighth."

Which amendments were adopted, and the bill passed to its third reading.

Mr. Brown moved a reconsideration of the vote just taken, passing the bill to its third reading, which was rejected.

A bill to be entitled, "An act, to provide for the adjustment of the public debt of the Republic of Texas," was made the special order of the day, for three o'clock.

Mr. Sublett offered the following amendment, to wit:

First section, third line, strike out "they are" and insert, "he is."

Mr. Clark moved to amend Mr. Sublett's amendment, by striking out the words "Auditor and."

Mr. Miller offered the following, as a substitute, for the caption and first section of the bill:

"An act, for the classification of the liabilities of the late Republic of Texas."

Be it enacted, by the Legislature of the State of Texas, That all persons having claims against the late Republic of Texas, of whatever nature or description, may present the same, together with the evidence and vouchers in their support, to the Comptroller, on or before the first day of October, eighteen hundred and forty-seven; whose duty it shall be to receive and classify them, under detailed and appropriate heads, designating particularly the time when, and the law under which each liability was incurred, together with all the particulars relating thereto; and the said Comptroller shall report his action in the premises, to the next biennial session of the Legislature, for its action.

Which was rejected.

Question, on Mr. Clark's amendment to the amendment, was then taken and carried.

Question, on Mr. Sublett's amendment, was taken and decided in the affirmative, by the following vote:

Yeas—Messrs. Barry, Brown, Charlton, Clark, Cronican, Crump, Dickson, Durham, Echols, Gray, Gilliam, Gooch, Hudson, Keenan, McClarty, Miller, Millican, Muckleroy, Mullins, Noble, Perry, Rayner, Redgate, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Rusk, Sublett, Tankersly, Truit, and White—34.

Nays—Messrs. Speaker, Adams, Burroughs, Cazneau, Dupree, Erath, Irion, Jones, Mabry, McNeill, Pattillo, Swift, Williams, and Willie—14.

Question, on Mr. Miller's substitute, was taken and rejected.

Mr. Willie offered to amend the first section, as follows:

"There shall be elected, by joint vote of both Houses of the Legislature, an Auditor, who shall hold his office for the term of two years. He shall perform all the duties required of the Auditor under the existing laws, in regard to the examination and adjustment of claims against the Republic or State of Texas."

And the yeas and nays being called, upon the adoption of the amendment, it was rejected by the following vote:

Yeas—Messrs. Speaker, Adams, Cazneau, Crump, Cooke, Dupree, Erath, Gray, Gooch, Howard, Mabry, McNeill, Ogden, Patillo, Perkins, Rayner, Ryburn, Stewart, Swift, White, Williams, and Willie—22.

Nays—Messrs. Barry, Brown, Burroughs, Charlton, Clark, Cronican, Dickson, Durham, Echols, Gillet, Hudson, Irion, Jones, Keenan, McClarty, McFarland, Miller, Millican, Muckleroy, Mullins, Noble, Perry, Redgate, Russell, Sadler, Savage, Smith of Rusk, Sublett, Tankersly, and Truit—28.

The next question in order, was Mr. Gray's motion to refer the bill under consideration, to a select committee.

On motion of Mr. Durham, Mr. Gray's motion was laid on the table.

Question, on the passage of the bill to a third reading, was then taken and decided in the affirmative, by the following vote:

Yeas—Messrs. Barry, Burroughs, Clark, Charlton, Crump, Cronican, Dickson, Durham, Gray, Gillet, Hudson, Irion, Jones, Keenan, Mabry, McClarty, Miller, Millican, Muckleroy, Mullins, Noble, Perkins, Perry, Rayner, Redgate, Ryburn, Sadler, Savage, Stewart, Smith of Rusk, and Tankersly—32.

Nays—Messrs. Speaker, Adams, Brown, Cazneau, Cooke, Echols, Eddy, Erath, Gooch, Howard, McNeill, McFarland,

Ogden, Pattillo, Pease, Russell, Sublett, Truit, White, Williams, and Willie—20.

Messrs. Howard, Ogden, Erath, Willie, and others, gave notice to the House, that they would enter their protest against its passage to a third reading.

A message was received from the Senate informing the House, that the Senate had rejected the substitute to the Senate's bill, "to amend the first section of an act, approved fourteenth January, eighteen hundred and forty, entitled an act, authorizing the issuing of Duplicate Land Warrants, Discharges and Certificates, for Head Right claims, upon certain conditions," and had appointed a committee of Conference, and request a like committee on the part of the House, on said bill. Also,

The Senate rejected the first amendment to the "bill, establishing a General Land Office for the State of Texas;" and concur in the other amendments.

Mr. Gooch offered the following resolution, which was adopted:

Be it resolved, by the House of Representatives of the State of Texas, That the chief clerk of this House, be instructed to list the caption of all the Laws passed at this session of the Legislature, and present the same to the editors of the Austin Democrat and Era, for publication in their next papers.

Mr. Barry moved a reconsideration of the vote, taken on a previous day, on a "Joint Resolution, authorizing the Governor to appoint Field and Staff officers, of the volunteer army of Texas."

Mr. Burroughs moved a call of the House.

Mr. Clark moved to lay Mr. Barry's motion on the table until to-morrow.

Which was adopted.

A bill to be entitled, "An act, to incorporate the city of Galveston, and for other purposes," was taken up, and

On motion of Mr. Cronican, referred to the committee on State Affairs.

A bill, to be entitled, "An act, to prevent slaves from carrying fire arms, was read a third time and passed.

Mr. Russell made the following report, which was adopted:

COMMITTEE ROOM,

May 7, 1846. }

To the Honorable W. H. Bourland,

Speaker of the House of Representatives:

The committee on engrossed bills, have examined a bill, to be entitled, "An act, to amend the first Section of an act,

approved January, 1840, entitled an act, authorizing the issuing of Duplicate land Warrants, Discharges and certificates, for Head Right claims, upon certain conditions," and find the same correctly engrossed.

[Signed]

A. J. RUSSELL,
Chairman.

A bill, to be entitled, "An act, to prevent confusion in Judicial proceedings, arising from the repeal of laws, under which they were had or accrued."

Read a third time and passed.

A bill, to be entitled, "An act, to incorporate the Lavaca, Guadalupe, and San Saba Rail Road Company;" was

Read a third time, and the yeas and nays being demanded on its final passage, stood:

Yeas—Messrs. Speaker, Adams, Barry, Brown, Cazneau, Cronican, Dickson, Durham, Echols, Erath, Gray, Gillett, Gilliam, Gooch, Howard, Hudson, Irion, Jones, Keenan, Mabry, McClarty, Muckleroy, Mullins, Ogden, Pattillo, Perry, Rayner, Redgate, Russell, Byburn, Sadler, Savage, Stewart, Smith of Rusk, Swift, Tankersly, Truit, White, Williams, and Willie—41.

Nays—Messrs. Clark, Cooke, Edwards of San Augustine, McFarland, Miller, Millican, Noble, and Perkins—8.

A bill, to be entitled. "An act, to establish, the mode of trying the right of property, levied on under execution, when claimed, &c.

Read a third time and passed.

"Joint, Resolution for the releif of Augustus Williams."

Read a second time, and on motion of Mr. Willie, referred to a select committee.

The Chair appointed Messrs Willie, Charlton, Truit, Gillet, and Barry said committee.

A bill to repeal the fourth section of an act, granting lands to those who were in the battle of San Jacinto and other battles, was taken up, and on motion of Mr. Irion, laid on the table.

A bill to be entitled, "An act, authorizing the appointment of commissioners, to take acknowledgements of Deeds and other instruments of writing, executed out of the State."

Read a first time, and

On motion of Mr. Cazneau, the rule was suspended, bill read a second time—rule further suspended—bill read a third time, and passed.

On motion of Mr. Barry, the bill to be entitled, "An act, es-

establishing a General Land Office of the State of Texas," was taken up.

On motion of Mr. Adams, the House adjourned until tomorrow morning, eight o'clock, A. M.

HOUSE OF REPRESENTATIVES, }
May 8th, 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Barry, Brown, Charlton, Crump, Clark, Cooke, Durham, Echols, Edwards of San Augustine, Edwards of Nacogdoches, Eddy, Erath, Gray, Gillet, Gilliam, Gooch, Irion, Jones, Keenan, Mabry, McFarland, McNeill, Miller, Millican, Muckleroy, Mullins, Pease, Perkins, Perry, Rayner, Redgate, Russell, Sadler, Savage, Smith of Rusk, Smith of Harris, Swift, Sublett, Tankersly, Truit, White, Williams, and Willie.

A quorum being present, the House proceeded to business.

Mr. Gray made the following report, which was read and laid on the table, to come up among the orders of the day:

COMMITTEE ROOM, }
May 7th, 1846. }

*To the Honorable Speaker of the
House of Representatives:*

The committee on the Judiciary, have considered a bill originating in the Senate to be entitled, "An act, to organize Probate Courts," and instruct me to report:

That they do not wholly approve the provisions of the Bill, and did time allow, would endeavor to re-arrange it; but they think the Bill better than the present law of Probate and therefore recommend its passage, with the amendments proposed.

[Signed]

P. W. GRAY.

Chairman.

Mr. Tankersly, made the following report which was read and adopted.

COMMITTEE ROOM; }
May 7, 1846. }

*To the Honorable Speaker,
of the House of Representatives:*

The committee on Finance, having had under consideration a Joint Resolution, proposing to amend the Constitution, so as to reduce the salaries of the Supreme and District Judges; and believing that the passage of such a resolution, without special instruction from the people, inexpedient, a majority of the committee, have instructed me to report the same back to the House, and recommend that it be indefinitely postponed.

[Signed]

BENJ. F. TANKERSLY,
Chairman.

Mr. Stewart made the following report:

*To the Honorable A. C. Horton,
President of the Senate, and
Wm. H. Bourland, Speaker of the
House of Representatives:*

Joint committee of Conference, have had under consideration, An act, providing for the transfer of Records of Administration from old to new counties; and have instructed us to report the bill back to the House, concurring in the amendment of the Senate, and recommend its passage.

[Signed]

A. H. PHILLIPS,
Chairman of the committee on the
part of the Senate, and
C. B. STEWART,
Chairman committee on part of House.

Report was read and adopted.

ORDERS OF THE DAY

Were taken up.

A bill to be entitled, "An act, to establish a General Land Office for the State," originating in the Senate, amended in the House, and the Senate refusing to concur in the amendments, was taken up.

Mr. Gillett, moved the House recede from its amendments.

Mr. Dickson, moved a call of the House.

Mr. Rayner, moved Mr. Railey be excused from the call of the House, and

On motion of Mr. Barry, the call of the House was suspended.

Question, on receding from the amendments, and the House refused to recede by the following vote:

Yeas—Messrs. Speaker, Adams, Barry, Burroughs, Cazneau, Charlton, Crump, Cooke, Dickson, Dupree, Durham, Gillett, Gilliam, Gooch, Hudson, Keenan, Mabry, McFarland, McNeill, Mullins, Noble, Perry, Railey, Rayner, Russell, Ryburn, and Smith of Rusk—27.

Nays—Messrs. Brown, Clark, Cronican, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Howard, Irion, Jones, McClarty, Miller, Millican, Muckleroy, Ogden, Pattillo, Pease, Perkins, Redgate, Sadler, Savage, Smith of Harris, Swift, Sublett, Tankersly, Truit, White and Williams—30.

On motion of Mr. Tankersly, a committee of conference was appointed, to act with a like committee from the Senate, on the bill organizing a General Land Office."

The chair appointed Messrs. Tankersly, Gillett, and Mabry said committee.

Mr. Gillett, asked to be excused from serving on the committee, which request was granted by the House.

Mr. Burroughs, moved that Mr. Railey be appointed on the committee, in place of Mr. Gillett.

Mr. Gray, moved a reconsideration, of the vote, appointing a committee of conference.

Question, recurring on the appointment of a committee of conference, was taken and rejected.

A bill to be entitled, "An act, organizing the Supreme Court," was taken up.

The Senate, having refused to concur in the amendments of the House.

Mr. Dickson, moved a call of the House, which call was, on Motion of Mr. Edwards of San Augustine, suspended.

The motion of Mr. Williams, that the House recede from its second amendment, was decided in the affirmative, by the following vote:

Yeas—Messrs. Speaker, Adams, Barry, Cazneau, Crump, Dupree, Durham, Erath, Gilliam, Gooch, Howard, Hudson, Irion, Jones, Mabry, McClarty, McFarland, Mullins, Ogden, Pease, Perkins, Perry, Railey, Redgate, Russell, Ryburn, Smith of Harris, Smith of Rusk, Swift, Tankersly, White, Williams and Willie—33.

Nays—Messrs. Brown, Burroughs, Charlton, Clark, Cooke,

Cronican, Dickson, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gillett, Keenan, McNeill, Miller, Milligan, Muckleroy, Noble, Pattillo, Rayner, Sadler, Sayage, Stewart, Sublett, and Truit—25.

On motion of Mr. Bourland, the bill was transmitted to the Senate for further action.

Mr. Burroughs, chairman. of the committee on Enrolled bills, reported, that they had examined:

“A bill to incorporate the La Grange Female Institute,”

A bill to be entitled, “An act, defining the duties of Attorney General of the State,”

A bill to be entitled, “An act, regulating Elections,” and find the same correctly enrolled, and

Being signed by the Speaker of the House and President of the Senate, were this day presented to his Excellency the Governor for his approval,” which report was read and adopted.

A substitute from the Senate, to a bill to be entitled, “An act, to provide for the loss of Field Notes of surveys,” was taken up, and

On motion of Mr. Sadler, the substitute was adopted.

A bill to be entitled, “An act, to regulate limited partnerships,” with amendments from the Senate, was taken up, and amendments concurred in.

A bill to be entitled, “An act, to provide for the publication of the Laws,” was taken up, with amendments from the Senate and amendments concurred in.

A message was received from the Senate, informing the House, that they had passed:

A bill to be entitled, “An act, to incorporate the Town of New Braunfels,” with amendments. Also,

A bill to be entitled, “An act, to incorporate the City of Austin,” with amendments. Also,

A bill to be entitled, “An act, to authorize the Governor to close the Courts, in such Counties as he may deem necessary. in the event of War or invasion” Also

A bill to be entitled, “An act, for the relief of A. J. Yates.”

Mr. Willie, moved a committee of conference be appointed, on a bill to amend the first section of An act, approved the fourteenth of January, A. D. eighteen hundred and forty, providing for the issuing of Duplicate Land Warrants, Discharges and Head right certificates, on certain conditions,” which was adopted, and

The chair appointed Messrs. Willie, Gray, and Stewart said committee of conference.

A bill to be entitled, "An act to regulate the License and Practice of Attorneys with amendments from the Senate, Was taken up and the amendments adopted.

A bill to be entitled, "An act, to organize Justice Courts," originating in the Senate, amended in the House, and the Senate refusing to concur in the amendments—was taken up.

On motion of Mr. Gray, the House adhered to their amendments.

On motion, Mr. Brown, Willie, Gray, and Stewart, were appointed to act as a committee of conference, on the Bill to organize Justice Courts."

A bill to be entitled, "An act, for the relief of Nathaniel Amory" was taken up, and read a third time.

Mr. Charlton moved a call of the House. Rejected.

Question, of the final passage, was taken and decided in the affirmative.

A bill to be entitled, "An act, to incorporate the city of Austin," with an amendment from the Senate, was taken up, and the amendments concurred in.

A bill to be entitled, "An act, to incorporate the Town of New Braunsfels."

With amendments from the Senate, was taken up, and the amendments concurred in.

A bill to be entitled, "An act, requiring the county of Lavaca, to pay a portion of the debt of Colorado County,"

Read a first time, rule-suspended read a second time, by its caption, and passed to a third reading.

On motion of Mr. Perry, the rule was further suspended, and the bill read a third time and passed.

A bill to be entitled, "An act, ceding to the United States Jurisdiction over all Forts and Arsenals in this State."

Read a first time, rule-suspended, read a second time, and passed to a third reading; and

On motion of Mr. Miller, the rule was further suspended, and the bill read a third time, and passed.

Mr. Eddy, one of the committee on Engrossed Bills, reported that they had examined:

A bill to be entitled, "An act, defining the office and duties of Constables. Also.

A bill to be entitled, "An act, to define the office and duties of Coroners."

And find the same correctly Engrossed.

Which report was read and adopted.

A bill to be entitled, "An act, providing for the adjustment

of the Public debt of the Republic of Texas," was taken up, read a third time and passed.

A bill to be entitled, "An act, to organize Probate Courts," with the amendments offered by the Judiciary Committee, was taken up, and the amendments adopted.

Mr. White moved to strike out the twentieth section, which was rejected, and

On motion of Mr. White, the twentieth section was amended, by adding to the end of it the words, "On claims originating prior to the year eighteen hundred and forty-two," and the bill passed to its third reading, and

On motion of Mr. Pattillo, the rule was suspended bill read a third time and passed.

Mr. Eddy, one of the committee on Engrossed Bills, reported that they had examined a Bill to be entitled, "An act, to secure the payment of fines imposed by the District Courts of the State," and find the same correctly Engrossed—which report was read and adopted.

A bill to be entitled, "An act, to authorize the Governor to close the courts by Proclamation, in such counties as he may deem proper, in case of War or invasion."

Read a first time—rule suspended—read a second time, and Mr. Russell moved the bill pass to a third reading.

Mr. Willie moved to lay the bill on the table until the fourth day of July next.

The yeas and nays being demanded, stood as follows:

Yeas—Messrs. Adams, Barry, Cooke, Erath, Gillett, Irion, Mabry, McNeill, Miller, Millican, Muckleroy, Noble, Pattillo, Redgate, Sadler, Smith of Rusk, White and Willie—18.

Nays—Messrs. Speaker, Brown, Cazneau, Charlton, Cronican, Dickson, Durham, Edwards of San Augustine, Eddy, Gray, Gilliam, Gooch, Howard, Hudson, Jones, Keenan, McClarty, McFarland, Pease, Perkins, Rayner, Russell, Ryburn, Savage, Stewart, Smith of Harris, Tankersly, and Truit—29.

On motion of Mr. Tankersly, the bill was laid on the table until three o'clock, p. m.

A bill to be entitled, "An act, for the relief of A. J. Yates."

Read a first time, and Mr. Howard moved to suspend the rule.

Mr. Durham moved to lay Mr. Howard's motion on the Table. Rejected.

Question, on the suspension of the rule was taken, and the bill

Read a second time, and passed to a third reading.

"Joint Résolution for the relief of John G. Welchmeyer."

Read a first time, and

A motion of Mr. Cazneau to suspend the rule was rejected.

A bill to be entitled, "An act, to provide for the organization of Volunteers, called into the field, by the late Proclamation of his Excellency, the Governor," was taken up.

On motion of Mr. McNeill, the House adjourned, until three o'clock, P. M.

THREE O'CLOCK, P. M.

House met pursuant to adjournment.

Roll called, and the following members answered to their names:

Messrs. Speaker, Barry, Brown, Burroughs, Cazneau, Charlton, Cooke, Crump, Dickson, Dupree, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gray, Gillett, Gilliam, Gooch, Hudson, Irion, Keenan, Mabry, McFarland, McNeill, Miller, Millican, Muckleroy, Mullins, Noble, Pattillo, Pease, Perkins, Perry, Railey, Rayner, Redgate, Russell, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Tankersly, Truit, and White.

Quorum present.

A bill to be entitled, "An act, to authorize the Governor to close the courts by Proclamation, in case of invasion, in such counties as he may deem proper."

Read a second time and the yeas and nays being demanded on its passage to a third reading, stood as follows:

Yeas—Messrs. Speaker, Burroughs, Cazneau, Charlton, Dickson, Dupree, Durham, Edwards of San Augustine, Eddy, Perkins, Railey, Rayner, Russell, Stewart, and Swift—15.

Nays—Messrs. Barry, Brown, Cooke, Crump, Edwards of Nacogdoches, Erath, Gray, Gillett, Gilliam, Gooch, Irion, Keenan, Mabry, McFarland, McNeill, Miller, Millican, Muckleroy, Mullins, Noble, Pattillo, Perry, Redgate, Sadler, Savage, Smith of Harris, Smith of Rusk, Tankersly, Truit, and White—30.

And the bill was rejected on its second reading.

A bill to be entitled, "An act, to organize the Volunteer

forces, called into the service of the United States, under Proclamation, of the Governor."

Read a second time, and

Mr. Smith of Rusk, moved its engrossment.

On motion of Mr. Cazneau, a call of the House was made, and

On motion of Mr. Edwards of Nacogdoches, the call of the House was suspended.

Mr. Cazneau renewed his motion, for a call of the House, which was rejected.

Mr. Gray offered to amend the third section of the bill by striking out "two" and inserting the words "three." Also, in the fourth section, strike out "one from Harris and Galveston,"

Amendments adopted.

Mr. Swift moved to lay the bill on the table.

The yeas and nays being called and a quorum not voting.

On motion of Mr. Cazneau, a call of the House was made.

On motion, Mr. Willie was excused from the call of the House.

Mr. Burroughs moved to suspend the further call of the House.

Rejected, and the Sergeant at arms despatched for absent members.

On motion of Mr. Gillett, the further call of the House was suspended.

On motion of Mr. Irion, the bill was referred to a select committee.

The chair appointed Messrs. Irion, Dickson, Smith of Rusk, Smith of Harris, Ogden, Edwards of Nacogdoches, Cazneau, and

On motion of Mr. Redgate Mr. Burroughs was added to the same committee.

Mr. Smith of Rusk moved a reconsideration of the vote taken this morning, of laying on the table the Joint Resolution for changing the Constitution.

Motion rejected.

A message was received from the Senate, informing the House, that the Senate had concurred in amendments of the following bill.

Senate concurred in the amendments to the Supreme Court bill.

Messrs. Williamson, Williams, and Miller, committee of conference, on a bill to provide for the loss of Duplicate Land Warrants.

Committee of conference on the Land office bill.

Messrs. Grimes, Parker, and Williamson, committee of Conference on the bill organizing Justice Courts.

Messrs. Wallace and Jewett.

The Senate concur in the amendments to a bill, for the relief of N. Amory.

The Senate refuse to concur in the amendments, to the bill, providing for the liquidation and adjustment of the Public Debt.

A bill to be entitled, "An act, for the relief of a minor son of Lovel Coffman, with amendments reported by the committee on Education, was

Read a second time and amendments adopted.

On motion of Mr. Gooch, the bill was laid on the table.

Mr. Barry's motion, made on yesterday and laid on the table until to day, for the reconsideration of the vote on the "Resolution authorizing the Governor to appoint the Field and Staff Officers of the volunteer army of Texas," was taken up, and rejected by the following vote:

Yeas—Messrs. Speaker, Barry, Cazneau, Dickson, Edwards of San Augustine, Eddy, Howard, Hudson, Jones, Keenan, McNeill, Ogden, Pease, Perkins, Rayner, Redgate, Russell, Sadtler, Stewart, Swift, White, and Williams—22.

Nays—Messrs. Adams, Brown, Burroughs, Charlton, Cooke, Cronican, Dickson, Edwards of Nacogdoches, Erath, Gray, Gillett, Gilliam, Gooch, Irion, Mabry, McFarland, Miller, Millican, Muckleroy, Mullins, Noble, Pattillo, Perry, Railey, Savage, Smith of Harris, Smith of Rusk, Tankersly, and Truitt—29.

A bill to be entitled, "An act, supplementary to An act, to establishe the judicial Districts of the District Courts," was taken up, and on motion of Mr. Edwards of Nacogdoches, laid on the table.

A Joint Resolution requiring the Governor to procure the plates upon which the Promissory Notes and Exchequer Bills of the late Republic of Texas were printed."

Read a second time and ordered to be engrossed.

On motion of Mr. Stewart, rule suspended—bill read a third time and passed.

On motion of Mr. Tankersly, the bill establishing a General Land Office, was taken up, and

On motion of Mr. Tankersly a committee of conference, to take into consideration the subject matter of disagreement between the two Houses.

The chair appointed the same committee, viz: Messrs. Tankersly, Gillett, and Perry.

Mr. Tankersly, asked to be excused from serving on said committee, which was granted him.

And the chair appointed Mr. Brown.

On motion of Mr. Tankersly, the House adjourned until half, past eight o'clock, to-morrow, A. M.

HOUSE OF REPRESENTATIVES, }
May 9th, 1846.

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Charlton, Cooke, Cronican, Dickson, Durham, Eehols, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gray, Gilliam, Gooch, Irion, Jones, Keenan, McClarty, McFarland, Miller, Millican, Muckleroy, Mullins, Noble, Pattillo, Perkins, Perry, Railey, Rayner, Redgate, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truit, White, Williams, and Willie.

A quorum being present, the House proceeded to business.

Mr. Russell, chairman of the committee on Engrossed bills, reported that they had examined:

A bill to be entitled, "An act, to incorporate the Colorado Mining Company. Also,

"A Joint Resolution, requiring the Governor to procure the plates upon which the Promissory Notes and Exchequer Bills of the late Republic of Texas were printed;" and find the same correctly engrossed. Which report was read and adopted.

Mr. Irion made the following report, which was read and adopted:

May 8th, 1846.

To the Honorable W. H. Bourland,

Speaker of the House of Representatives:

The Select committee, to which was referred a bill entitled,

"An act, to organize the volunteer forces, called into the service of the United States, by the late Proclamation of the Governor :"

Have considered the same, and herewith report a *substitute* for the same, and recommend its adoption.

In reporting this substitute, a majority of the committee believe that they do no more than justice to those who may go out as volunteers in defence of the country. They believe them to be freemen, who know their rights, and who are willing to battle not only against usurpation and wrong from abroad, but at the same time will adjust and maintain them with the utmost tenacity at home. From the situation of the country, therefore, and the fact that many of those who will respond to the call, have been out together, and already know each other, the committee believe they will be fully competent and well qualified to select men who will lead them on in the hour of trial and time of need. They believe, by giving them this privilege, they will be more efficient, better satisfied, and more zealous in the prosecution of the war. For these and many other reasons, the committee recommend the substitute to the favorable consideration of the House, and ask to be discharged from any further investigation of the same.

[Signed]

VAN IRION,
Chairman.

Mr. Willie made the following report, which was read and adopted :

COMMITTEE ROOM, }
May 9th, 1846. }

To the *Honorable President of the Senate, and*
Speaker of the House of Representatives :

The committee of Conference, upon a bill entitled, "An act, to amend the first section of an act, approved fourteenth January, A. D., eighteen hundred and forty, entitled, an act, authorizing the issuing of Duplicate Land Warrants, Discharges and Certificates for Head-right claims, upon certain conditions," having conferred together, recommend that the Senate adopt the substitute, as proposed and passed by the House.

[Signed]

WILLIAM WILLIAMS,
Chairman on the part of the Senate.
J. WILLIE,
Chairman on the part of House
of Representatives.

Mr. Stewart introduced the following resolution :

Resolved, That the Enrolling Clerk of the House of Representatives, be authorized to employ such assistance as may be necessary to complete the enrolling of the bills passed, to be paid for out of the appropriation made for contingent expenses.

Read and adopted.

Mr. Willie made the following report, which was read and adopted:

COMMITTEE ROOM, }
May 9th, 1846. }

To the Honorable W. H. Bourland,

Speaker of the House of Representatives:

The undersigned, Chairman of the Select committee, to whom was referred a "Joint Resolution, for the relief of Augustus Williams," begs leave to report, that at the request of Mr. Williams, he returns the resolution to the House—there being no time left to give to the claim a proper investigation.

[Signed]

J. WILLIE.

Mr. Gray made the following report, which was read and adopted:

COMMITTEE ROOM, }
May 8th, 1846. }

To the Honorable Speaker of the

House of Representatives:

The committee on the Judiciary, have considered a bill without a title, but intending to protect volunteers in the service of the country, and instruct me to report the enclosed substitute therefor, to be entitled, "An act, for the protection of volunteers in actual service."

The adoption and passage of which, they respectfully recommend.

[Signed]

A. P. W. GRAY.

Chairman.

On motion of Mr. Mabry, the bill providing for the protection of the volunteers in actual service, was taken up, and bill read a second time.

Mr. Gilliam moved to insert, after the words "Court," or "Justice of the Peace," which was adopted, and the bill ordered to be engrossed, and

On motion of Mr. Mabry, the rule was suspended—bill read a third time.

Mr. Durham moved to insert in the caption, after the word "volunteers," "and drafted men;" and

In the second section, after the word "volunteer," the words "drafted men," which was adopted, and the bill passed.

Mr. Gray made the following report, which was read and laid on the table, together with the accompanying bills:

COMMITTEE ROOM, }
May 7th, 1846. }

*To the Honorable Speaker
of the House of Representatives:*

The committee on the Judiciary have been wholly unable to act on the many bills, which have been referred to them.

The following bills seem to be of some general importance, on which, however, the committee have not had time to act—they, therefore, beg leave to return the bills back for the action of the House:

First. A bill to provide for the vesting in the State escheated property."

Second. A bill to provide for the transfer of Judicial proceedings, from old to new counties.

Third. An act, describing the mode of obtaining and establishing land certificates.

Fourth. A bill, requiring Clerks of the County Courts, Clerks of the District Courts, Sheriffs, County Treasurers, and County Surveyors or their lawful Deputies, to reside at the county Seat.

[Signed]

P. W. GRAY,
Chairman.

Mr. Rayner and others, made the following report:

COMMITTEE ROOM, }
May 8th, 1846. }

*To the Honorable W. H. Bourland,
Speaker of the House of Representatives:*

The committee on Claims and Accounts, have had before them the claims of sundry persons, and the various relief bills and Joint Resolutions, which have been from time to time referred to them by the House.

Your committee are fully informed that many of these claims are just, and to the consideration of the propriety or expediency of the Legislature making provision for their payment, they have devoted much time and thought; but after mature deliberation, they have felt themselves impelled to the conclusion that it is inexpedient for the Legislature to take any action thereon. It is evident that it is impossible for any committee,

however active in their enquiries, to have, during the short period allotted to their labors, sufficient time or means to obtain an accurate, or even a general knowledge of all the claims which may be presented to the Legislature; and it is thence obvious, that there should be instituted a proper tribunal, with sufficient power to investigate and pass over all claims or demands against the Republic of Texas.

Deeming it probable that some court or tribunal of this character would be formed, your committee have deferred making any report to the House until this late moment. A bill having been passed previous, for the "examination and methodical arrangement of all claims," it is unnecessary for your committee to longer delay their report. However much the committee may have felt disposed to have awarded relief in particular cases, they fear the resources of the Government—now alone derived from taxation and license—would not be adequate to its support, (and it may be a reasonable conclusion.) They have considered it altogether inadvisable to appropriate any monies otherwise, until this fact can be ascertained. Your committee feel deeply for the situation of many of the claimants, and have every desire to award them the relief claimed; but it will be seen from our present condition, that it is impossible that any relief or payment can be made at this time, in money, to any one, however just or meritorious the claim. The support of the Government—an institution whose benefits are felt by all, and enjoyed by all—is at all times a consideration of a high character. With these views, your committee ask leave to return all the claims and papers to the House, and recommend that the parties have leave to withdraw the same. All of which is respectfully submitted.

[Signed]

{ WM. S. RAYNER,
A. J. RUSSELL,
Z. WM. EDDY,
GEO. WM. ADAMS,
JAS. TRUIT,
N. Y. CHARLTON,
DAVID C. DICKSON,
DANIEL MUCKLERROY
A. SWIFT,
SAML. J. REDGATE,
WM. T. SADLER.

On motion of Mr. Miller, to lay the report on the table, the vote stood:

Yeas—Messrs. Erath, Miller, and Willie—3.

Nays—Messrs. Speaker, Adams, Brown, Charlton, Clark, Cronican, Dickson, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gilliam, Gooch, Howard, Irion, Jones, Keenan, Mabry, McFarland, McNeill, Muckleroy, Mullins, Noble, Ogden, Pattillo, Pease, Perry, Perkins, Railey, Rayner, Redgate, Russell, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truit, and White—43.

So the motion to lay on the table, was rejected.

On motion of Mr. Russell, the report was adopted,

The yeas and nays being called, stood :

Yeas—Messrs. Speaker, Adams, Barry, Brown, Charlton, Clark, Cronican, Dickson, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gilliam, Gooch, Irion, Jones, Keenan, Mabry, McFarland, McNeill, Miller, Millican, Muckleroy, Mullins, Noble, Pattillo, Pease, Perkins, Perry, Railey, Rayner, Redgate, Russell, Ryburn, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truit, White, and Williams—45.

Nays—Messrs. Howard, Ogden, and Willie—3.

By leave, Mr. Durham recorded his vote in the affirmative of the question just taken.—Mr. Stewart made the following report, which was read and adopted :

To the Honorable, the Speaker

of the House of Representatives:

The committee on Contingent Expenses, have deemed it their duty to enquire into the amount of the expenses of this Legislature, and for this purpose, have obtained, from the Comptroller, a bill or account of the same, amounting to two thousand four hundred and nine dollars and seventy-two cents. The committee deem it advisable that the same should be published with the other expenses of the Legislature, and therefore recommend the adoption of the following resolution :

Resolved, That the Comptroller of Public Accounts, be required to publish, immediately after the adjournment of this Legislature, in some newspaper, printed at the seat of Government, an amount of the contingent and all other expenses of the Legislature—in which shall appear the several items of each bill or expenditure.

Which resolution is respectfully submitted.

[Signed] C. B. STEWART,

Chairman committee on Contingent Expenses.

JAMES CRONICAN,
BERRY H. DURHAM,
Z. WM. EDDY.

A bill to be entitled, "An act, to ascertain the Public Debt of the late Republic of Texas," was taken up and laid on the table.

On motion of Mr. Miller, until three o'clock, Monday, P. M.

On motion of Mr. Miller, that the House adhere to its amendments to a bill, originating in the Senate, relative to the Public Debt, was decided in the affirmative, by the following vote:

Yeas—Messrs. Barry, Brown, Charlton, Clark, Cronican, Dickson, Echols, Edwards of San Augustine, Eddy, Gilliam, Howard, Irion, Keenan, McClarty, Miller, Millican, Muckleroy, Mullins, Noble, Pease, Perry, Redgate, Russell, Ryburn, Savage, Stewart, Smith of Harris, Sublett, Tankersly, Truit, White, and Willie—32.

Nays—Messrs. Speaker, Adams, Dupree, Durham, Erath, Gooch, Irion, Mabry, McNeill, Ogden, Pattillo, Railey, Rayner, Smith of Rusk, Swift, and Williams—16.

Mr. Sublett moved to add Messrs. Jones, Gray, and Perkins, to the committee of Conference, on a bill to organize a General Land Office.

Mr. Tankersly moved a call of the House,

Which, on motion of Mr. Clark, was suspended.

A message was received from his Excellency, the Governor, returning to the House a "Joint Resolution for the relief of Charles B. Snow," with his objections in writing.

Mr. Mabry moved to strike out Mr. Gray's name, in the proposed addition to the committee of Conference.

Mr. Ogden moved to lay all the proceedings, had in relation to the committee of Conference, on the table.

Mr. Keenan moved a reconsideration of the vote, appointing a committee of conference on the Land Office bill.

The question was taken, whether or not Mr. Keenan's motion should be put to the House, and decided in the affirmative.

The question then was taken on reconsidering the vote, and carried.

On motion of Mr. Echols, that the House adjourn until half past two o'clock.

Rejected.

A message was received from the Senate, informing the House. That they had passed a bill to be entitled.

"An act, defining the office and duties of Sheriffs," with amendments.

Also.

A bill, to be entitled, An act, to define more definitely the Western Boundary of Milam County." Also,

A bill, to be entitled, "An act, to incorporate the town of Crockett," with amendments.

And have indefinitely postponed a bill, entitled, "An act, to prevent slaves from hiring their own time."

And have adopted the report of the committee of Conference reconsidering the adoption of the substitute to the bill, to amend the first section of "An act, approved the fourteenth of January, eighteen hundred and forty, authorizing the issuing of Duplicate Discharges, Land Warrants, and Head right Certificates, upon certain conditions." Also,

Had concurred in the amendments of the House to an act entitled, "An act, to define the time of holding Courts in the several Judicial Districts." Also,

Had added Messrs. Burleson, Bagby, and Phillips, to the committee of Conference, recommending the amendments of the Senate, to the bill, providing for the transfer of administrations from old to new counties."

Question, was taken on the adoption of the motion made on yesterday, to appoint a committee of Conference on the bill to organize the General Land Office, and said motion was rejected.

On motion of Mr. Perkins, Mr. Railey was granted leave of absence for the remainder of the session.

On motion of Mr. McNeill, the House adjourned until half-past two o'clock, P. M.

HALF-PAST TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Roll called and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Brown, Charlton, Clarke, Cronican, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gillet, Gilliam, Gooch, Howard, Hudson, Irion, Keenan, Mabry, McClarty, McNeill, Miller, Millican, Muckleroy, Mullins, Noble, Ogden, Pattilo, Pease, Perkins, Rayner, Redgate, Russell, Ryburn, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truit, White, and Williams.

Quorum present.

A bill to be entitled, "An act, to incorporate the Colorado Mining Company.

Read a third time.

And the yeas and nays being demanded on its final passage, stood as follows:

Yeas—Messrs. Adams, Barry, Brown, Cazneau, Cronican, Dupree, Durham, Echols, Eddy, Erath, Gillet, Gilliam, Gooch, Mabry, McClarty, Miller, Muckleroy, Mullins, Noble, Perry, Redgate, Russell, Ryburn, Savage, Smith of Rusk, Swift, and White—26.

Nays—Messrs. Speaker, Charlton, Clark, Cooke, Dickson, Edwards of Nacogdoches, Gray, Irion, Keenan, McFarland, McNeill, Millican, Perkins, Railey, Sadler, Smith of Harris, Truit, and Williams—18.

So the bill was lost on its final reading.

On motion of Mr. Echols, the communication, received this morning from his Excellency, the Governor, was taken up, and

On motion of Mr. White, the same was laid on the table for one hour.

ORDERS OF THE DAY.

The bill to be entitled, "An act, to incorporate the town of Crockett," with amendments from the Senate, was taken up.

The House concurred in the first, third, fourth, and fifth, and rejected the second amendment.

A bill to be entitled, "An act, defining the duties and office of Sheriffs," with amendments from the Senate.

On motion of Mr. Gray, the first amendment was amended, by striking out the word "Deputy," and amendment concurred in.

Second amendment concurred in.

The third amendment was rejected.

The yeas and nays being demanded, stood:

Yeas—Messrs. Adams, Brown, Chralton, Clark, Cronican, Dickson, Edwards of San Augustine, Gooch, Howard, Keenan, Mabry, McClarty, McFarland, Muckleroy, Mullins, Noble, Perry, Railey, Savage, Smith of Rusk, Truit, and White—22.

Nays—Messrs. Speaker, Barry, Cazneau, Cooke, Dupree, Echols, Erath, Gray, Gillett, Gilliam, Irion, Jones, McNeill, Miller, Millican, Pattillo, Pease, Perkins, Redgate, Russell, Ryburn, Sadler, Smith of Harris, Swift, Williams and Willie—26.

A bill to be entitled, "An act, for the relief of A. J. Yates."

Read a first time and passed.

"Joint Resolution, for the relief of the heirs John Welchmeyer."

Read a second time, and

On motion of Mr. Mabry, passed to its third reading.

Mr. Gillett, moved the suspension of the rule, which was rejected.

On motion of Mr. Tankersly, the following communication, was taken up from His Excellency the Governor, together with the bill for the relief of C. B. Snow, and read

EXECUTIVE DEPARTMENT, }
AUSTIN May 9, 1846. }

The Executive has examined and considered the Joint Resolution for the relief of Charles B. Snow, which originated in the House of Representatives, and passed on the fourth instant and herewith returns the same, without his approval for the following reasons, to wit: The eighth section of the General provisions of the Constitution, declares that, "No appropriation for private or individual purposes, shall be made without the concurrence of two thirds of both Houses of the Legislature;" and the resolution comes to the Executive without any evidence that it was passed by that majority.

It is true that the seventh section of the General provisions" of the constitution, declares that the Legislature shall provide, by law, for the compensation of all officers Servants, Agents, and public contractors, not provided for by the constitution," and the same section provides, that it shall not be construed so as to affect the claims of persons against the Republic of Texas, existing before the formation of the State constitution.— But the whole object and being of the last named section, is not very clear, and after considering the two sections of the constitution referred to, the Executive has come to the conclusion, that the resolution under consideration, can be disposed of properly by considering alone, the said eighth section.

If the seventh section of the General provisions of the Constitution, has any bearing on cases like the one now before the Executive, it is only to declare the right of the Legislature to make an appropriation for the payment of the debt claimed to be due; but still the eighth section referred to, lays down the rules by which the Legislature is to be governed in making appropriations for all individual purposes of this sort, and unless the last named section was intended to apply to cases like the one now before the Executive, it would seem to him, to be without meaning and useless. The resolution is therefore returned to the Legislature for their further consideration.

[Signed]

J. PINCKNEY HENDERSON.

Mr. Willie moved that the bill pass over the veto, and the yeas and nays being demanded, stood:

Yeas—Messrs. Adams, Burroughs, Cazneau, Clark, Cooke, Cronican, Dupree, Durham, Edwards of Nacogdoches, Erath, Gillett, Gilliams, Gooch, Howard, Irion, Jones, Keenan, Mabry, McClarty, Pattillo, Pease, Perkins, Perry, Railey, Redgate, Savage, Sadler, Stewart, Smith of Harris, Swift, Tankersly, White, Williams, and Willie—34.

Nays—Messrs. Brown, Charlton, Dickson, Echols, McFarland, McNeill, Miller, Millcan Muckleroy, Mullins, Noble Russell, Smith of Rusk, and Truit—14.

So the bill passed by a constitutional majority.

The following message was received from the Senate, through their Secretary Mr. Bee, viz: The Senate, with the concurrence of the House, had rescinded the resolution to adjourn on the eleventh instant. Also,

That they had adopted a resolution, with consent of the House, to adjourn on the fourteenth Instant. Also,

That they had passed "A bill to be entitled, An act, defining the duties of District Attorneys, with amendments. Also,

A bill to prevent retailers of spiritous or vinous liquors, from furnishing slaves therewith, without the written consent of the master or overseer of said slaves, Also,

That Messrs. Williamson and McKinney were appointed a committee of conference, on the bill to provide for the adjustment and liquidation of the Public Debt; and,

Have adopted the report of the committee of conference, on the bill organizing Justices Courts.

The following report was received from Mr. Willie, chairman of the committee of conference, on the bill organizing Justices Courts, which was read and adopted.

COMMITTEE ROOM }
May 9, 1846. }

To the Honorable A. C. Horton,
President of the Senate and,
Wm. H. Bourland,

Speaker of the House of Representatives:

The committee of conference, appointed on the bill entitled "An act, to organize Justices Courts," have considered the same, and recommend the following amendment:

Strike out "Twenty-five Dollars" in the fifth section, and, in-

sert in the place thereof, "Fifty Dollars;" and also recommend the passage of the bill.

[Signed]

WM. M. WILLIAMS,
Chairman on the part of the Senate.

J. WILLIE
Chairman on part of the House.

Mr. Dickson moved to take up the Resolution from the Senate, rescinding the Resolution to adjourn on the eleventh inst.

A call of the House was made, and

On motion of Mr. Cazneau, the call was suspended.

Mr. Cazneau, moved to lay the Resolution on the table until three o'clock. P. M., monday.

Yeas and nays were called, and a quorum not voting.

On motion of Mr. Gray, to amend the Resolution of the Senate as follows:

Provided, that no bill or joint resolution; except such as is now before the Legislature, shall be acted on unless by unanimous consent; which was rejected.

Question, recurring on the adoption of the Senates resolution, was taken and decided in the negative, by the following vote:

Yeas—Messrs. Adams Cooke, Cronican Dupree, Durham, Edwards of San Augustine, Gray, Gillett, Gilliam, Irion, Keenan, McClarty, McFarland, McNeill, Miller, Millican, Pease, Perkins, Perry, Redgate, Russell, Ryburn, Smith of Rusk, Stewart, Truit, and Willie—25.

Nays—Messrs. Speaker, Barry, Brown, Burroughs, Cazneau, Charlton, Clark, Dickson, Echols, Edwards of Nacogdoches, Eddy, Gilliam, Gooch, Howard, Jones, Mabry, Muckleroy, Mullins, Noble, Ogden, Pattillo, Railey, Sadler, Savage, Smith of Harris, Swift, Tankersly, White, and Williams—29.

And on motion of Mr. Tankersly, the resolution to adjourn on the fourteenth instant, was laid on the table.

Mr. Burroughs, moved to adjourn until Monday, nine o'clock, which was rejected; and on motion of Mr. Tankersly, the House adjourned until half past seven o'clock, P. M.

HALF PAST SEVEN O'CLOCK,

House met pursuant to adjournment.

Roll called and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Brown, Burroughs, Cazneau, Charlton, Clarke, Dickson, Dupree, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gilliam, Gooch, Howard, Hudson, Irion, Jones, Keenan, Mabry, McClarty, McFarland, McNeill, Miller, Millican, Muckleroy, Mullins, Noble, Ogden, Pease, Perkins, Perry, Railey, Redgate, Russell, Ryburn, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, and Truit.

Quorum present.

On motion of Mr. Tankersly, a committee of conference was appointed to act with a like committee, on the part of the Senate, on a bill to provide for the adjustment of the Public Debt.

The chair appointed Messrs. Tankersly, Howard, and Sublett, said committee.

Mr. Burroughs, chairman of the committee on Enrolled Bills, reported that they had examined:

A bill to be entitled, "An act regulating the office of county Treasurer." Also,

A bill to be entitled, "An act, to provide for the publication of the Laws of the State." Also,

A bill to be entitled, "An act, regulating the manner of running county lines." Also,

A bill to be entitled, "An act, requiring the commissioner of the General Land Office, to issue patents upon unconditional Head right certificates for Land." Also,

A bill to be entitled, "An act, regulating appeals to the Supreme Court in criminal cases." Also,

A bill to be entitled, "An act, providing how the counties, made by this Legislature, out of the territory of Nacogdoches county shall pay their portion of the debt of said county" of Nacogdoches. Also,

A bill to be entitled, "An act, authorizing the County Court of Brazoria county, to have a Duplicate made of Record Book, C. of said county."

And find the same correctly enrolled.

Having been signed by the President of the Senate, and Speaker of the House of Representatives, were this day presented to His Excellency, the Governor, for his approval."

Which report was read and adopted.

By leave, Mr. Tankersly, verbally reported back to the House:

"A bill regulating the salaries of Executive Officers." Also,

A bill authorizing the Comptroller of Public Accounts, to settle with defaulting Sheriffs."

Which report was read and adopted.

A bill to be entitled, "An act, defining the duties of District Attorneys," with amendments from the Senate, was taken up.

Mr. Gilliam moved that the House concur in the amendments of the Senate.

A message was received from the Senate, informing the House, that they had concurred in the amendments of the House, to a bill defining the duties of Probate Courts, and had refused to concur in the amendments of the House to a bill incorporating the Town of Crockett," and had appointed Messrs. Parker, and Philips a committee of conference on said bill.

Mr. Dupree moved to amend the amendments of the Senate to "A bill, defining the duties of District Attorneys, by inserting the words, "and for every such defence, he shall be allowed a Tax fee of twenty-five dollars, to be paid out of the State Treasury."

Which was rejected.

Question, recurring on the first amendment, was taken and decided in the negative, by the following vote:

Yeas—Messrs. Adams, Brown, Charlton, Cooke, Crónica, Edwards of Nacogdoches, Edwards of San Augustine, Gray, Gilliam, Gooch, Irion Keenan, Mabry, McFarland, McNeill, Muckleroy, Mullins, Perkins, Perry, Railey, Savage, Smith of Rusk, Swift, and Sublett—24.

Nays—Messrs. Barry, Burroughs, Cazneau, Clark, Dickson, Durham, Echols, Erath, Howard, Hudson, McClarty, Miller, Millican, Noble, Ogden, Pease, Redgate, Russell, Ryburn, Saddle, Stewart, Smith of Harris, Tankersly, and Truit—25.

Question taken on concurring in the additional amendments, and the third, fourth, and fifth, amendments concurred in, and refused to concur in the first, second, and sixth amendments.

On motion of Mr. Miller, a committee of conference was appointed on the bill to incorporate the town of Crockett, whereupon the chair appointed, Messrs. Miller, Clark, and Irion, said committee.

Mr. Burroughs, by leave, presented two petitions, which were referred to the committee on Public Lands, without reading.

On motion of Mr. Gooch, the bill for the benefit of James Coffman, deaf and dumb son of Lovel Coffman, was taken up,

Bill read a second time, and ordered to be engrossed.

Mr. Gooch moved to suspend the rule, which was rejected.

Mr. Burroughs moved a reconsideration of the vote, refusing to suspend the rule which motion was carried in the affirmative, and the question taken on suspending the rule, and decided in the negative.

Mr. Miller made the following report:

Honorable Wm. H. Bourland,

Speaker of the House of Representatives:

The committee of conference, to whom was referred "An act, to incorporate the Town of Crockett," have examined the same, and recommend that the House concur in the amendments of the Senate.

[Signed]

ISAAC PARKER,

Chairman on part of the Senate, and

S. A. MILLER,

Chairman on part of the House.

Report was read and adopted.

On motion of Mr. Perkins, the bill for the relief of Milton Hicks," was taken up,

Read a second time, and ordered to be engrossed.

Mr. Perkins moved to suspend the rule.

Mr. Howard moved that the House adjourn until Monday, 9 o'clock. Rejected.

Mr. Russell moved the House adjourn until Monday, eight o'clock, A. M. Rejected.

Mr. Gillett, moved the House adjourn until Monday morning half-past eight o'clock, which motion was carried and the House adjourned.

HOUSE OF REPRESENTATIVES, {
May 11th, 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Brown, Burroughs, Charlton, Cooke, Clark, Cronican, Dickson, Dupree, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gillet, Gilliam, Gooch, Hudson, Irion, Jones, Keenan, Mabry, McFarland, McNeill, Miller, Millican, Muckleroy, Mullins, Noble, Perkins, Perry, Redgate, Railey, Rayner, Russell, Ryburn, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersley, Truit, White, Williams, and Willie.

A quorum being present, the House proceeded to business.

Mr. Howard presented the petition of sundry citizens of Castro's Colony, praying for the formation of a new County, which was read and referred to the committee on County Boundaries.

Mr. Russell, chairman of the committee on Engrossed bills, made the following report, which was read and adopted:

COMMITTEE ROOM, }
May 11th, 1846. }

To the Honorable W. H. Bourland,

Speaker of the House of Representatives:

The committee on Engrossed bills, have examined the following bills:

A bill to be entitled, "An act; to protect volunteers in active service, or drafted men."

An act, for the benefit of Milton Hicks.

And find the same correctly engrossed.

[Signed]

A. J. RUSSELL,
Chairman.

Mr. Eddy made the following report, which was read and adopted:

HOUSE OF REPRESENTATIVES, }
May 11th, 1846. }

To the Honorable Wm. H. Bourland,

Speaker of the House of Representatives:

The committee on Engrossed bills, have examined:

A bill for the relief of James Coffman, son of Lovel Coffman of Red River county.

And find the same correctly engrossed.

[Signed]

Z. WM. EDDY,
One of the Committee.

Mr. Smith of Rusk, and others, made the following report, which was read and laid on the table, to come up among the orders of the day:

COMMITTEE ROOM, }
May 9th, 1846. }

To the Honorable Wm. H. Bourland,

Speaker of the House of Representatives:

The committee on Public Lands, have to report back to the House, the Senate's bill, entitled, "An act, requiring the holders of land claims to locate the same."

The committee do not perceive any advantage or disadvantage, likely to result from the passage of the bill. The bill provides that the holders of land claims, shall locate the same, on or before the first day of May, eighteen hundred and forty-eight. Before that period arrives, the Legislature will have convened, and, in all probability, will then extend the time beyond the limit prescribed in this bill.

The committee respectfully report the bill back to the House for its consideration.

[Signed]

{ JAMES SMITH,
C. B. STEWART,
CHAS. MULLINS,
GEO. B. ERATH,
W. T. ECHOLS,
G. W. ADAMS,
HENRY JONES,
A. McNEILL.

Mr. Stewart, and others, made the following report, which was read and laid on the table, to come up among the orders of the day.

COMMITTEE ROOM, }
May 9th, 1846. }

To the Honorable W. H. Bourland,

Speaker of the House of Representatives:

The committee on Public Lands, have had before them, and have duly considered the following petitions and bills, to wit:

Petitions of Thomas Chaudvin; of the heirs of John C. Grace, Edward J. Johnson, and Richard Dirvey; of John Sanders, of P. Jenks Mahan, of Robert H. Real; of N. R. Mullins; of John Sansberry; of Thos. D. Maltby; of Robt. Bell, of Thomas Herth. Some of the petitioners pray for relief by bounties of land, for disabling wounds received in the service of the country; and the others pray that their honorable discharges, may be taken as part evidence of their right to lands, when they are not able to introduce oral testimony, &c., &c., before the Boards of Land Commissioners, as is now required

by law, for the relief of both of these classes of petitioners.

The committee, some time since, prepared and reported a bill to the House, entitled, "An act, providing for the relief of persons who have been permanently disabled, in the service of the country."

Also, the petition of W. E. Houth, relief for whom is contained in an act, passed by the Legislature, authorizing patents to be issued upon unconditional certificates.

Also, the petition of Basil J. Igans, whose case is already provided for in the Land Law of December fourteenth, eighteen hundred and thirty-seven, section thirty-eight, page seventy-four. Petitions of A. W. Springer, Jacob Ricker, R. S. Green; these petitioners are respectfully referred to the provisions of the Constitution of the State of Texas, article eleven, section second. Petition of B. H. H. Butts—so far as the committee are able to determine upon the merits of this claim, petitioners case is provided for in the Land Law of December fourteenth, eighteen hundred and thirty-seven, section thirty, page seventy-two, which provides that "all officers and soldiers, who engaged in the service of Texas, previous to the first of March, eighteen hundred and thirty-seven, and whose families may arrive within twelve months from the date of their discharges, shall be entitled to the same quantity of land, as they would have been entitled to, if their families had emigrated to the country with them." A certificate from the War Department, showing that petitioner entered as a Lieutenant into the service of the Republic of Texas, on the thirteenth day of August, eighteen hundred and thirty-six, is the only evidence before the committee.

Petition of Caroline Staple, Lucy Chayson, etc., by Attorney, Jno. P. Border. *Remedy for loss of Field Notes*. Case is embraced in an act passed by this Legislature.

Petition of Burrell J. Thompson: The petitioner prays for a patent upon a survey made before the declaration of independence. Petitioner is respectfully referred to provisions contained in the Land Law of December fourteenth, eighteen hundred and thirty-seven; section nineteen, page sixty-nine. Petition of Thomas M. Wilson, as Attorney for the heirs of Caldwell Carson. The committee are unable, from the evidence filed before them, to determine in regard to the right of the deceased. Act for the relief of Wm. A. Barnes, requiring the Board of Land Commissioners of Robertson county, to investigate the claims of Mr. Barnes, to one-third of a league of land. The bill before mentioned, prepared and reported by

the committee, it is presumed, would embrace this case.—An act for the relief of purchasers of innocent land certificates is returned, as its provisions embrace objects, which cannot be maturely considered by the committee, before the adjournment of the Legislature.

An act authorizing surveys in one county, to be recorded in the county wherein the lands surveyed prove to lie, provided there be no conflicts. The objects of this bill are contained in a bill from the Senate.

• All of which, is respectfully submitted by your committee.

[Signed]

{ JAMES SMITH,
C. B. STEWART,
CHAS. MULLINS,
W. T. ECHOLS,
GEO. B. ERATH,
G. W. ADAMS,
HENRY JONES,
A. McNEILL.

Mr. Russell introduced a bill to be entitled, "An act, to require the county of Cass and a part of Titus county, to pay a portion of the county debt of Bowie county."

Read a first time.

THE ORDERS OF THE DAY.

A bill to be entitled, "An act, for the relief of James Coffman, deaf and dumb son of Lovel Coffman, of Red River county."

Read a third time.

On motion of Mr. Gooch, the bill was amended, by striking out the word "Lexington," and inserting "Danville."

Question, on the final passage of the bill was then taken, and yeas and nays being demanded, stood :

Yeas—Messrs. Speaker, Brown, Gazneau, Cooke, Dupree, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Gilliam, Gooch, Howard, Jones, Mabry, McFarland, Muckleroy, Ogden, Perkins, Redgate, Switt, White, and Williams—21.

Nays—Messrs. Adams, Charlton, Clark, Cronican, Dickson, Echols, Gray, Irion, Keenan, McNeill, Miller, Millican, Mullins, Noble, Pease, Perry, Railey, Rayner, Savage, Smith of Harris, Smith of Rusk, Sublett, Tankersly, Truit, and White—24.

So the bill was rejected.

A bill to be entitled, "An act, for the relief of Milton Hicks," was taken up, and read a third time.

Mr. Perkins moved to insert, before the word "Milton," the words "heirs of," which was adopted, and the bill passed by the following vote:

Yeas—Messrs. Speaker, Adams, Brown, Cazneau, Cooke, Dupree, Edwards of San Augustine, Erath, Gray, Gilliam, Howard, Irion, Jones, Keenan, Mabry, McClarty, McFarland, Ogden, Pease, Perkins, Perry, Railey, Rayner, Redgate, Russell, Sadler, Smith of Harris, Swift, Sublett, Tankersly, Truit, White, and Willie—33.

Nays—Messrs. Charlton, Clark, Cronican, Dickson, Durham, Echols, Gooch, McNeill, Miller, Millican, Muckleroy, Noble, Savage, Smith of Rusk, and Williams—15.

A bill to be entitled, "An act, authorizing volunteers to elect their own officers," was taken up,

Read a second time and ordered to be engrossed.

Rule suspended, bill read a third time, and passed by the following vote:

Yeas—Messrs. Speaker, Adams, Brown, Burroughs, Charlton, Cooke, Cronican, Dickson, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gray, Gillet, Gilliam, Gooch, Irion, Jones, Keenan, Mabry, McFarland, McNeill, Miller, Millican, Muckleroy, Noble, Perry, Railey, Rayner, Redgate, Russell, Sadler, Savage, Smith of Harris, Smith of Rusk, Sublett, Tankersly, Truit, and Willie—41.

Nays—Messrs. Howard, Ogden, Swift, and Williams—4.

A bill to be entitled, "An act, to prevent retailers of spiritous or vinous liquors, from furnishing slaves with the same, without permission from their masters or overseers," was taken up, and

Read a first time.

"A Join Resolution for the relief of the heirs of Jno. G. Welchmeyer,"

Was taken up, and

Read a third time, and passed by the following vote:

Yeas—Messrs. Speaker, Adams, Burroughs, Cazneau, Cooke, Dupree, Durham, Erath, Gillet, Gilliam, Gooch, Keenan, Mabry, McClarty, McFarland, Ogden, Perkins, Railey, Rayner, Redgate, Russell, Swift, White, and Williams—24.

Nays—Messrs. Brown, Charlton, Clark, Dickson, Echols, Edwards of San Augustine, Howard, Irion, Jones, McNeill, Miller, Millican, Muckleroy, Noble, Sadler, Savage, Smith of Harris, Smith of Rusk, Sublett, Truit, and Willie—21.

Mr. Clark made the following report, which was read and adopted:

COMMITTEE ROOM, }
May 11th 1846. }

To the Honorable W. H. Bourland,

Speaker of the House of Representatives:

The committee on State Affairs, herewith return to the House for its action, a bill from the Senate, entitled, "An act, to fix the time for holding the elections for members to the Congress of the United States."

[Signed]

E. CLARK,
Chairman.

Mr. Erath made the following report, which was read and adopted:

COMMITTEE ROOM, }
May 11th, 1846. }

To the Honorable W. H. Bourland,

Speaker of the House of Representatives:

The Special committee on Lands, ask leave to report back to the House, the accompanying bills; the time for consideration being so short, they ask to be discharged from the further consideration thereof.

[Signed]

G. B. ERATH,
Chairman.

List of such bills.

I. "An act, for the relief of all persons who have been permanently disabled."

II. A bill to be entitled, "An act, concerning fraudulent land claims."

III. A bill to be entitled, "An act, to provide for the issuing of patents to assignees of all certificates."

IV. Another act of the same nature.

V. "An act, relative to fraudulent land claims."

VI. "An act, for the relief of assignees of certificates."

VII. "An act, to restrain colonial contractors from selling their premiums or other land."

A bill to be entitled, "An act, requiring the holders of land claims to locate the same," was taken up, and

On motion of Mr. Smith of Rusk, laid upon the table.

Mr. Gray made the following report, which was read and adopted:

COMMITTEE ROOM, }
May 8th, 1846. }

To the Honorable Speaker of the

House of Representatives:

The committee on the Judiciary, have not fully considered a

bill to be entitled, "An act, to facilitate the collection of debts founded on Bonds, Bills, and Promissory Notes." But from a cursory examination of its provisions, a majority have expressed an opinion unfavorable to the bill.

The committee recommend that the bill be laid on the table.

[Signed]

P. W. GRAY,
Chairman.

Mr. Ogden introduced a bill, creating a seal for the Adjutant Generals office.

Read first time, rule suspended; read a second time and ordered to be engrossed.

On motion of Mr. Brown, the rule was further suspended, and the bill read a third time and passed.

A message was received from the Senate, informing the House, that they had adopted the report of the committee of Conference, on a bill to incorporate the town of Crockett;" and

Have concurred in the amendment of the House, to a bill organizing the General Land Office;" and

Had refused to concur in the amendments of the House, to a bill regulating Sheriffs; and

Had appointed Messrs. Phillips, and Williams, a committee of Conference on said bill; and also,

Had passed a bill, authorizing imprisonment in the State Penitentiary, for crimes committed against the laws of this State Also,

A bill to be entitled, "An act, to prevent confusion in Judicial proceedings, arising from the repeal of laws under which they were had or accrued."

Mr. Stewart introduced the following resolution, which was read and laid on the table.

Resolved, That the sum of ——— dollars be appropriated and paid out of the contingent fund of this House, for printing the captions of the laws passed at this Legislature.

Mr. Dickson introduced the following resolution :

"*Be it resolved*, That, with the concurrence of the Senate, the two Houses meet in the Hall of the House of Representatives, at three o'clock, p. m., for the purpose of electing a Commissioner General of the Land Office."

Read a first time, and

On motion of Mr. Sublett, laid on the table.

Mr. Gray made the following report, which was read and adopted :

COMMITTEE ROOM, }
May 11th, 1846. }

*To the Honorable Speaker,
of the House of Representatives:*

The committee on the Judiciary, from the great press of business before them, have been unable to act on the following bills, viz:

"A bill, requiring Notaries Public, to procure seals of office for the authentication of their official acts."

"A bill to prevent Justices of the Peace and Clerks of the Court, from issuing Executions for the costs, only in civil actions."

"A bill, to define in what manner Judgements shall operate as a lien on real estate."

"A bill, to require the Commissioner of the General Land Office, to issue patents, in certain cases."

"A bill, to suspend the further introduction of emigrants into the Colonies, under contracts made with the Presidents of the late Republic of Texas."

"A bill, establishing the office of administrator."

"A bill, to restrain Clerks and other officers, from collecting unlawful costs."

"A bill, to prevent the sacrifice of real estate."

"A bill, to authorize persons to dispose of property by will."

A bill, to be entitled, "An act, to prevent the commission of crimes and misdemeanors."

A bill, to deduct from the salaries of the officers, therein named, for neglect of duty."

"A bill, to provide for the detection and punishment, of public defaulters."

"A bill to regulate slaves."

A bill, to be entitled, "An act, to repeal an act, entitled an act, to amend the existing laws, in relation to proceedings in Probate Courts, approved January thirteenth, eighteen hundred and forty-three."

"An act, to prevent the removal or running of property, held by mortgage, to the injury of the mortgagee or his creditors."

A bill, to be entitled, "An act, giving concurrent jurisdiction to the District and inferior courts, in certain cases."

A bill, to be entitled, "An act, legalizing the records of all instruments of writing, which have been committed to record, upon acknowledgement or proof taken and certified to, by any Judge of any court of the Republic or State of Texas, or be-

fore any Chief Justice, or any associate, or Notary Public, or County Clerk, of any county in the Republic or State of Texas."

A bill, to be entitled, "An act, to give notice to legal land claimants."

A bill, to be entitled, "An act, to require certain testimony in suits, brought for the recovery of real estate."

A bill, to be entitled, "An act, to authorize the institution of suits against the State, for all pecuniary claims."

Proposed amendments to the Constitution.

A bill, to be entitled, "An act, concerning bonds and notes."

Some of said bills have been provided for in general bills, others are inexpedient at this time, and others are very objectionable.

The committee return them to the House for its consideration.

[Signed]

P. W. GRAY.

Chairman.

Mr. Russell moved to take up a bill, giving concurrent jurisdiction to the District and inferior Courts, in certain cases.

Bill read a second time, and ordered to be engrossed.

On motion of Mr. Miller, the rule was suspended, bill read a third time.

On motion of Mr. Russell, a call of the House was made, and

On motion of Mr. Gilliam, the call of the House was suspended.

Question, on the final passage of the bill was taken, and carried in the affirmative.

On motion of Mr. Echols, a committee of Conference was appointed on the bill, to define the duties and office of Sheriffs.

The Chair appointed Messrs. Echols and Howard, said committee.

Mr. Howard was excused from serving on the committee of Conference, and Mr. Pease substituted.

"A bill, authorizing imprisonment in the Penitentiary, for crimes committed against the laws of this State," was taken up, and

Read a first time, and

On motion of Mr. Sublett, laid on the table, by the following vote:

Yeas—Messrs. Speaker, Barry, Brown, Clark, Cooke, Cronican, Dupree, Edwards of Nacogdoches, Erath, Gilliam, Gooch, Howard, Irion, McClarty, McFarland, Muckleroy, Noble, Ogden, Perkins, Railey, Rayner, Ryburn, Sadler, Savage, Smith of Rusk, Swift, Sublett, Williams, and Willie—29.

Nays—Messrs. Adams, Charlton, Dickson, Durham, Echols, Edwards of San Augustine, Hudson, Keenan, Mabry, McNeill, Miller, Millican, Pease, Perry, Redgate, Russell, Smith of Harris, Tankersly, Truit, and White—20.

Mr. Durham moved the House adjourn, until three o'clock,
P. M.

Which motion was rejected.

Mr. Russell moved that the bills, reported by the Judiciary committee, be taken up, and disposed of as the House may deem proper.

On motion of Mr. Sadler, Mr. Russell's motion was laid on the table.

On motion of Mr. Brown, the bill, to be entitled, "An act, providing for the election of members to the Congress of the United States," was taken up.

Bill read a second time.

On motion of Mr. Willie, the bill was amended, by striking out "first Monday in September," and inserting "first Monday in November," and the bill passed to its third reading.

On motion of Mr. Rayner, the rule was suspended, and

Bill read a third time and passed.

Mr. Perkins moved a reconsideration of the vote, rejecting "a bill for the relief of James Coffman, deaf and dumb son of Lovel Coffman, of Red River county."

Mr. Russell moved a call of the House.

On motion of Mr. Gilliam, the call was suspended.

Mr. Clark made the following report, which was read and adopted:

COMMITTEE ROOM, }
May 11th, 1846. }

To the Honorable W. H. Bourland,

Speaker of the House of Representatives:

The committee on State Affairs, have had under consideration, a bill requiring the county of Dallas, to pay a portion of the debt of Robertson County, and a majority of the committee supposing it would be better to pass a General Law upon the subject, embracing all the new counties, and doubting too the justice or propriety of requiring the new counties to pay a part of the debt of the county or counties from which they have been formed, have directed me to return said bill to the House and recommend that it be laid on the table.

[Signed]

E. CLARK,
Chairman.

On motion of Mr. Smith of Rusk, the report of Mr. Stewart and others, on land claims, was taken up, and report read and adopted.

Mr. Williams introduced a resolution, to adjourn on to day, *sine die*, at twelve o'clock, which was read, and

On motion of Mr. Willie, laid on the table.

Mr. McFarland introduced the following resolution:

"Resolved by the Legislature of the State of Texas; That all Petitions, Bills, and Joint Resolutions, which have not received a final action, shall be taken up, and be first considered at the next meeting of the ensuing Legislature."

Read a first time, and laid on the table.

Mr. McNeill moved the House adjourn, until two o'clock, P. M.
Rejected.

Mr. Gillett moved, that the House adjourn, until fifty-nine minutes past one o'clock.

Mr. Mabry moved the House adjourn, until half-past two o'clock. Rejected.

On motion of Mr. Pease, the House took a recess for half an hour.

The recess having expired, the House was called to order, and a quorum not being present, a motion was made to adjourn until three o'clock, P. M., which was rejected.

On motion of Mr. Echols, the House adjourned until half-past two o'clock, P. M.

HALF-PAST TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Roll called, quorum present.

A message was received from the Senate, informing the House that they had passed, with amendments, the bill to be entitled, "An act, to provide for the assessment and collection of Taxes." Also,

A bill to be entitled, "An act, to regulate proceedings in the District Courts," with amendments. Also,

That they had receded from their amendments, to the bill entitled, "An act, to define the duties of District Attorneys." Also,

That they concur in the amendments of the House, to a bill entitled, "An act, to fix the time of holding the election for members to the Congress of the United States." Also,

They had passed a bill to be entitled, "An act, to fix the pay and mileage of the members of the Legislature," with amendments. Also,

Have adopted the report of the committee of Conference on the bill entitled, "An act, to define the office and duties of Sheriffs." Also

A bill to be entitled, "An act, for the benefit of the heirs of Milton Hicks." Also,

A bill to be entitled, "An act, to create a Land District, composed of San Patricio and Nueces." Also,

A bill to be entitled, "An act, giving concurrent Jurisdiction to District and inferior Courts."

A bill to be entitled, "An act, to regulate proceedings in the District Courts," with amendments from the Senate,

Was taken up, amendments severally read, and from the first to the twenty-first, were concurred in.

Twenty-second amendment was rejected.

Twenty-third and twenty-fourth were read and concurred in.

A message was received from the Senate, informing the House, that they had receded from their amendments to a bill entitled, "An act, to regulate proceedings in the District Courts."

Mr. Burroughs, Chairman of the committee on enrolled bills made the following report, which was read and adopted.

To the Honorable Wm. H. Bourland,

Speaker of the House of Representatives:

The committee on Enrolled Bills, have examined the following bills:

An act, to be entitled, "An act, to incorporate the town of Braunsfels."

A bill to be entitled, "An act, to regulate the License and Practice of Attorneys and Councillors at law."

A bill to be entitled, "An act, to incorporate the city of Austin."

A bill, to be entitled, "An act, to authorize the opening and construction of a turn pike road, from the city of Houston to the town of Brenham."

A bill to be entitled, "An act, to locate the seat of Justice of Leon County."

A bill to be entitled, "An act, to define, more particularly, the western boundary of Milam County."

A bill, to be entitled, "An act, to incorporate the town of Crockett, in Houston County."

A bill to be entitled, "An act, to incorporate the several coun-

ties of the State which now exist, or which may hereafter be established."

A bill, to be entitled, "An act, to provide for the election of Officers in Dallas County."

A bill, to be entitled, "An act, to provide for the Registry of deeds and other instruments of writing."

And find the same correctly enrolled, and being signed by the Speaker of the House of Representatives, and President of the Senate, was this day presented to his Excellency, the Governor for his approval.

[Signed]

JAMES M. BURROUGHS,
Chairman.

A bill, to be entitled, "An act, to provide for the assessment and collection of Taxes" with amendments from the Senate, was taken up,

Amendments read, and from the first to the fifth, concurred in.

On the adoption of the sixth amendment, the yeas and nays being called, stood:

Yeas—Messrs. Brown, Burroughs, Dupree, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gooch, Howard, Irion, Jones, McClarty, Millican, Muckleroy, Noble, Pattillo, Perkins, Railey, Rayner, Sadler, Savage, Stewart, Smith of Rusk, Sublett, and Truit—25.

Nays—Messrs. Speaker, Adams, Barry, Cazneau, Charlton, Clark, Cooke, Cronican, Durham, Gray, Gillett, Gilliam, Hudson, Keenan, Mabry, McFarland, McNeill, Miller, Mullins, Ogden, Pease, Perry, Redgate, Russell, Smith of Harris, Swift, Tankersly, White, and Williams—29.

And the sixth amendment was rejected.

The seventh to the twelfth amendment, were severally read and rejected.

The thirteenth, fourteenth, and fifteenth, were concurred in, and sixteenth, seventeenth, and eighteenth, were rejected.

Mr. Tankersly, moved a call of the House, which was rejected.

On motion of Mr. Dupree, a call of the House was made.

On motion of Mr. Keenan, Mr. Dickson was excused.

On motion of Mr. White, a further call was suspended.

On motion of Mr. McNeill, the other amendments to the bill "to provide for the assessment and collection of Taxes," were rejected; and

On further motion, a committee of conference was appointed.

to take into consideration the subject matter of difference between the two Houses.

The Chair appointed Messrs. McNeill, Tankersly and Stewart, said committee.

A bill, to be entitled, "An act, to fix the pay and mileage of members of the Legislature," with amendments from the Senate, were read and the House concurred in the same.

A bill, to be entitled, "An act, to create a Land District, composed of the counties of San Patricio and Nueces."

Read a first time, and

On motion of Mr. Stewart, the rule was suspended, and the bill read a second and third time and passed.

On motion of Mr. Bourland, the House took a recess of one hour.

House met, roll called, and the following members answered to their names:

Messrs. Speaker, Adams, Brown, Burroughs, Charlton, Clark, Cooke, Cronican, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gilliam, Howard, Hudson, Keenan, Irion, Mabry, McClarty, McFarland, McNeill, Miller, Millican, Muckleroy, Mullins, Noble, Pattillo, Perkins, Perry, Rayner, Redgate, Russell, Savage, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truit, White, and Williams.

Quorum present.

Mr. Tankersly, moved a reconsideration of the vote, refusing to receive the resolution to adjourn *sine die*, on to-day—which was decided in the affirmative by the following vote:

Yeas—Messrs. Adams, Barry, Brown, Charlton, Clark, Cooke, Cronican, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gillet, Gilliam, Gooch, Hudson, Irion, Keenan, McClarty, McFarland, McNeill, Miller, Millican, Muckleroy, Noble, Pease, Perkins, Perry, Rayner, Redgate, Russell, Savage, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truit, and Willie—39.

Nays—Messrs. Speaker, Erath, Howard, Jones, Mabry, Mullins, Ogden, Pattillo, Bailey, White, and Williams—11.

On motion of Mr. Tankersly, the resolution of the Senate, to rescind the resolution to adjourn *sine die* on to-day, was taken up; and

The question on adopting the same was taken, and decided in the affirmative, by the following vote:

Yeas—Messrs. Adams, Barry, Brown, Burroughs, Charlton, Clark, Cooke, Cronican, Dupree, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Gray, Gillet, Gilliam,

Gooch, Howard, Hudson, Keenan, McClarty, McFarland, McNeill, Miller, Millican, Muckleroy Noble, Pease, Perkins, Perry, Rayner, Redgate, Russell, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truit, Williams, and Willie—43.

Nays—Messrs. Speaker, Cazneau, Jones, Mabry, Mullins, Ogden, Pattillo, Railey, and White—9.

A message was received from the Senate, informing the House, that they had passed,

A bill entitled, "An act, for the protection of Volunteers," and

Have appointed a committee of conference on a bill entitled, "An act, to provide for the assessment of Taxes," consisting of Messrs. Wallace, Robinson, and Phillips.

Mr. Bourland tendered his resignation, as Speaker of the House, which

On motion of Mr. McClarty, was accepted.

On motion of Mr. Tankersly, the House proceeded to the election of a Speaker for the remainder of the Session.

Mr. Rayner, nominated Mr. Perkins.

Mr. Burroughs, nominated Mr. Brown.

Mr. Miller, nominated Mr. Clark.

The Chair appointed Messrs Jones, Charlton, and Edwards of San Augustine, Tellers.

Messrs. Brown, and Clark, having declined the nomination.

The House proceeded to vote by ballot, and upon counting out the votes, it appeared that:

Mr. Perkins had received 42 votes,

" Brown	"	"	1	"
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" Clark	"	"	2	"
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" Gooch	"	"	1	"
---------	---	---	---	---

" Howard	"	"	1	"
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Blank	"	"	1	"
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Mr. Perkins, having received a majority of all the votes given, was declared duly elected Speaker of the House of Representatives for the remainder of the session.

On motion of Mr. Dupree, a committee was appointed to conduct the Speaker to the chair.

The Chair appointed Messrs. Dupree, and Gilliam, said committee.

The Speaker elect, was conducted to the chair, and after making a few appropriate remarks took his seat.

On motion of Mr. Keenan, leave of absence was granted Mr. Dickson, for the remainder of the session.

Mr. McClarty, moved that the House adjourn until to-morrow morning, nine o'clock, which was rejected.

On motion of Mr. McClarty, the House adjourned until to-morrow morning, eight o'clock.

HOUSE OF REPRESENTATIVES, }
May 12th, 1846. }

House met, pursuant to adjournment.

Roll called, and the following members answered to their names :

Messrs. Speaker, Adams, Brown, Burroughs, Charlton, Clark, Cooke, Cronican, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gilliam, Howard, Hudson, Irion, Keenan, Mabry, McClarty, McFarland, McNeill, Miller, Millican, Muckleroy, Mullins, Noble, Pattillo, Perry, Rayner, Redgate, Russell, Savage, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truit, White, and Williams.

Quorum present.

The House proceeded to business.

A message was received from the Senate, informing the House, that they had passed :

A bill, to be entitled, "An act, making appropriations for the support of the Government, for the years eighteen hundred and forty-six and eighteen hundred and forty-seven," with amendments. Also,

A bill, to be entitled, "An act, to define the office and duties of Constables."

On motion of Mr. Stewart, the bill, to be entitled, "An act, to define the office and duties of Notaries Public," was taken up, and

On motion of Mr. Stewart, the Clerk was instructed to transmit the same to the Senate, forthwith, without engrossment.

Mr. Tankersly, verbally reported back to the House :

A bill, to be entitled, "An act, authorizing the Governor to appoint Commissioners, to examine into the Custom-house at

Galveston," and recommend it to the favorable consideration of the House.

The bill was laid on the table, to come up among the orders of the day.

Mr. Erath introduced the following resolution :

Resolved, That with the concurrence of the Senate, the two Houses will go into the election for Commissioner of the General Land Office, at eleven o'clock, this twelfth day of May, eighteen hundred and forty-six, in the House of Representatives.

Read and laid on the table one day, for consideration.

Mr. Miller introduced the following resolution :

Resolved, That with the concurrence of the Senate, the two Houses will meet in the Representative Hall, at three o'clock, p. m., for the purpose of proceeding to the election of a Commissioner of the General Land Office."

Read a first time.

Mr. Pease moved to suspend the rule.

Mr. Burroughs moved a call of the House.

Mr. Burroughs moved to lay the motion to suspend the rule, on the table.

Mr. Brown moved, to lay Mr. Burroughs' motion on the table.

Mr. Barry moved, to lay Mr. Brown's motion on the table.

Mr. Edwards of San Augustine, moved the previous question.

On motion of Mr. Miller, the resolution was laid on the table, to be called up at the pleasure of the House.

On motion of Mr. Mabry,

THE ORDERS OF THE DAY

Were taken up.

A bill, to be entitled, "An act, making appropriations for the support of the Government, for the years eighteen hundred and forty-six and eighteen hundred and forty-seven," with amendments from the Senate.

First amendment of the Senate. Strike out "six hundred dollars as contingent expenses of the Executive Department" and insert "four hundred dollars," which amendment was concurred in.

Question, on concurring in second amendment, to strike out "six hundred dollars salary for Clerk in the State Department," and insert "fifty dollars per month for six months."

This amendment was rejected, by the following vote:

Yeas—Messrs. Speaker, Barry, Brown, Burroughs, Charlton, Clark, Cooke, Echols, Eddy, Erath, McClarty, McFarland, Miller, Millican, Muckleroy, Mullins, Noble, Pattillo, Perry, Russell, Savage, Smith of Rusk, Sublett, and Truit—24.

Nays—Messrs. Adams, Cazneau, Cronican, Durham, Edwards of Nacogdoches, Edwards of San Augustine, Gray, Gillett, Howard, Hudson, Jones, Keenan, Mabry, Pease, Rayner, Redgate, Ryburn, Stewart, Smith of Harris, Swift, Tankersly, White, Williams, and Willie—24.

Question on concurring in third amendment, viz: Strike out "as salary of Comptroller, one thousand dollars," and insert "twelve hundred dollars," was taken and decided in the affirmative, by the following vote:

Yeas—Messrs. Speaker, Barry, Brown, Clark, Cronican, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Howard, Hudson, Jones, Mabry, Keenan, McClarty, McFarland, Muckleroy, Pease, Rayner, Redgate, Russell, Ryburn, Savage, Stewart, Smith of Harris, Swift, Sublett, Tankersly, White, Williams, and Willie—34.

Nays—Messrs. Burroughs, Charlton, Cooke, Durham, Echols, Gooch, Irion, Miller, Millican, Mullins, Noble, Pattillo, Perry, Smith of Rusk, and Truit—15.

Question on concurring in the fourth amendment, viz: Strike out "nine hundred dollars each, for two Draftsmen in the General Land Office," and insert "eight hundred dollars," was taken up, and amendment concurred in, by the following vote:

Yeas—Messrs. Speaker, Barry, Brown, Charlton, Clark, Cooke, Dupree, Durham, Edwards of San Augustine, Erath, Gray, Jones, Keenan, Mabry, McClarty, McFarland, Miller, Millican, Muckleroy, Noble, Pease, Perry, Russell, Savage, Stewart, Smith of Rusk, Sublett, Tankersly, and Williams—29.

Nays—Messrs. Adams, Burroughs, Cazneau, Cronican, Echols, Edwards of Nacogdoches, Gooch, Howard, Hudson, Irion, Pattillo, Rayner, Redgate, Ryburn, Smith of Harris, Swift, Truit, White and Willie—19.

Question on concurring in the fifth amendment, viz: "Nine hundred dollars for salary for Spanish Clerk of the General Land Office," and insert "six hundred dollars," was taken and rejected, by the following vote:

Yeas—Messrs. Burroughs, Charlton, Cooke, Dupree, McFarland, Muckleroy, Noble, Smith of Rusk, and Sublett—9.

Nays—Messrs. Speaker, Adams, Barry, Brown, Cazneau, Clark, Cronican, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gooch, How-

ard, Hudson, Irion, Jones, Keenan, Mabry, McClarty, Miller, Millican, Mullins, Pattillo, Pease, Perry, Railey, Rayner, Redgate, Russell, Ryburn, Savage, Stewart, Smith of Harris, Swift, Tankersly, Truit, White, Williams, and Willie—42.

Question was taken, on concurring in the sixth amendment :

Strike out "for pay of eight assistant Clerks in the General Land Office, eight hundred dollars each," and insert "six hundred dollars," and adopted, by the following vote :

Yeas—Messrs. Speaker, Barry, Brown, Burroughs, Charlton, Clark, Cooke, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Gray, Gooch, Mabry, McFarland, Miller, Muckleroy, Noble, Pease, Perry, Russell, Savage, Smith of Rusk, Sublett, Truit, and Williams—27.

Nays—Messrs. Adams, Cazneau, Cronican, Eddy, Erath, Howard, Hudson, Irion, Jones, Keenan, McClarty, Millican, Pattillo, Railey, Rayner, Redgate, Ryburn, Stewart, Smith of Harris, Swift, Tankersly, White, and Willie—23.

A message was received from the Senate, informing the House, that they had passed :

A bill, to be entitled, "An act, defining the office and duties of Coroner."

Question, on concurring in the seventh amendment, viz :

Strike out "for District maps, one thousand dollars."

Adopted.

Question, on concurring in the eighth amendment, viz :

Strike out "for connecting surveys, five hundred dollars."

Adopted.

Question, on concurring in the ninth amendment, viz :

Strike out "for contingent expenses of the General Land Office, four hundred dollars," and insert "two hundred dollars," was taken and concurred in.

The question, on concurring in the tenth amendment, viz :

Strike out, "for contingent expenses of Attorney General, three hundred dollars," and insert "one hundred dollars," was concurred in.

Question, on concurring in the eleventh amendment, viz :

Strike out, "for salary of Clerk of the Supreme Court, five hundred dollars," and insert "three hundred dollars," was taken and adopted.

Twelfth amendment, viz : Strike out, "for pay of Clerks of present Legislature, five dollars per day," and insert "four dollars," was rejected, by the following vote :

Yeas—Messrs. Barry, Charlton, Cooke, Eddy, Gray, Mabry, McFarland, Miller, Millican, Muckleroy, Mullins, Noble, Pat-

tillo, Perry, Savage, Smith of Harris, Smith of Rusk, Sublett, and Truit—19.

Nays—Messrs. Speaker, Adams, Burroughs, Cazneau, Clark, Cronican, Dupree, Durham, Echols, Edwards of San Augustine, Erath, Gilliam, Gooch, Howard, Hudson, Irion, Jones, Keenan, McClarty, McNeill, Pease, Railey, Rayner, Redgate, Russell, Ryburn, Stewart, Swift, Tankersly, White, Williams, and Willie—32.

Thirteenth amendment, viz: Compensation for the Sergeant-at-Arms and Door-keepers of the two Houses "of the Legislature, three dollars per day," was taken up and rejected, by the following vote:

Yeas—Messrs. Eddy, Mabry, Miller, Mullins, Pease, Sublett, and Smith—7.

Nays—Messrs. Speaker, Adams, Barry, Brown, Burroughs, Cazneau, Charlton, Clark, Cooke, Cronican, Dupree, Durham, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Erath, Gray, Gooch, Howard, Hudson, Irion, Jones, Keenan, McClarty, McFarland, McNeill, Miller, Muckleroy, Noble, Pattillo, Perry, Railey, Rayner, Redgate, Russell, Ryburn, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Truit, Williams, and White—44.

Fourteenth amendment, viz: Strike out "eight hundred dollars, as biennial salary of the Chief Clerk of the House of Representatives," was rejected, by the following vote:

Yeas—Messrs. Barry, Charlton, Edwards of Nacogdoches, Gray, McFarland, Millican, Miller, Muckleroy, Pattillo, Perry, Savage, Stewart, Smith of Rusk, Sublett, and Tankersly—15.

Nays—Messrs. Speaker, Adams, Brown, Burroughs, Cazneau, Clark, Cooke, Cronican, Dupree, Durham, Echols, Edwards of San Augustine, Erath, Gooch, Howard, Hudson, Irion, Jones, Keenan, McClarty, Mullins, Noble, Pease, Railey, Rayner, Redgate, Russell, Smith of Harris, Swift, Truit, White, Williams, and Willie—33.

A message was received from the Senate, informing the House, that they had passed:

A bill, to be entitled, "An act, to authorize volunteers to elect their own officers;" and also,

Had passed a resolution—with the concurrence of the House—to go into the election of Commissioner of the General Land Office, at three o'clock, p. m.

Fifteenth amendment, viz: Strike out "for the extra services of the Draftsmen of the General Land Office, one hundred dollars," was adopted. Sixteenth amendment concurred in.

Seventeenth amendment, viz: "And that Mrs. Ann Terrill be authorized to receive the same," was concurred in.

Eighteenth amendment: Strike out "for salary of Secretary of State, one thousand dollars," and insert "twelve hundred dollars," was concurred in.

Nineteenth amendment: Strike out "for salary of Treasurer, one thousand dollars," and insert "twelve hundred dollars," which was concurred in, by the following vote:

Yeas—Messrs. Speaker, Adams, Barry, Bourland, Brown, Cazneau, Cooke, Dupree, Durham, Echols, Edwards of Nacogdoches, Erath, Gillet, Gooch, Howard, Hudson, Irion, Jones, Keenan, Mabry, McClarty, McFarland, Muckleroy, Pease, Rayner, Russell, Ryburn, Savage, Stewart, Smith of Harris, Swift, Tankersly, White, Williams, and Willie—35.

Nays—Messrs. Burroughs, Charlton, Clark, Cronican, Edwards of San Augustine, Gray, Miller, Millican, Mullins, Noble, Pattillo, Perry, Redgate, Smith of Rusk, Sublett, and Truit—16.

Twentieth amendment. Strike out "salary of Attorney General, fifteen hundred dollars," and insert "one thousand dollars," was concurred in, by the following vote:

Yeas—Messrs. Barry, Brown, Burroughs, Cazneau, Charlton, Clark, Cooke, Cronican, Echols, Eddy, Erath, Gooch, Irion, Keenan, McClarty, McFarland, Miller, Muckleroy, Mullins, Noble, Pattillo, Perry, Russell, Stewart, Smith of Harris, Smith of Rusk, Sublett, Tankersly, Truit, and Williams—30.

Nays—Messrs. Speaker, Adams, Bourland, Dupree, Edwards of Nacogdoches, Edwards of San Augustine, Gray, Gillet, Howard, Hudson, Mabry, Millican, Pease, Rayner, Redgate, Savage, Swift, White, and Willie—19.

Twenty-first amendment. Strike out "two Clerks," and insert "one in Comptrollers Office," and the word "Clerk," in the same paragraph—which amendments were rejected, by the following vote:

Yeas—Messrs. Barry, Brown, Charlton, Clark, Cooke, Durham, Echols, Gillet, Gooch, Irion, McClarty, Miller, Millican, Muckleroy, Mullins, Noble, Pattillo, Savage, Smith of Harris, Smith of Rusk, Truit, and Williams—22.

Nays—Messrs. Speaker, Adams, Bourland, Cazneau, Cronican, Dupree, Edwards of San Augustine, Eddy, Erath, Gray, Howard, Hudson, Keenan, Mabry, McFarland, Ogden, Pease, Perry, Rayner, Redgate, Russell, Stewart, Swift, Sublet, Tankersly, White, and Willie—27.

Twenty-second amendment. Insert "four hundred and forty-

four dollars, for the late Honorable K. L. Anderson, which may be drawn from the Treasury by his widow," was adopted.

Twenty-third amendment. Insert "one hundred dollars for the purchase of books for the Treasurers Office."

Concurred in.

Mr. McNeill, from the committee of Conference, to whom was referred the bill, to be entitled, "An act, for the assessment and collection of Taxes," made the following report:

[This report was not copied into the Journal, and the original being misplaced, a copy cannot be furnished for publication.]

Mr. Mabry moved the adoption of the report.

Mr. Miller moved a call of the House.

Question recurring, on the adoption of the report, was decided in the affirmative, by the following vote:

Yeas—Messrs. Speaker, Brown, Burroughs, Charlton, Cronican, Dupree, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gillet, Irion, Keenan, Mabry, McClarty, McNeill, Millican, Muckleroy, Pattillo, Rayner, Savage, Stewart, Smith of Rusk, Sublett, and Truitt—26.

Nays—Messrs. Bourland, Cazneau, Clark, Coke, Durham, Gray, Gilliam, Howard, Hudson, McFarland, Miller, Mullins, Ogden, Pease, Perry, Redgate, Russell, Ryburn, Smith of Harris, Swift, Tankersly, White and Williams—23.

Mr. Bourland offered the following resolution:

Resolved, That Geo. W. Smyth of Jasper county, J. H. Star of Nacogdoches county, and John P. Borden of Fort Bend county, be, and they are hereby, appointed a committee, to investigate the condition and management of the General Land Office; and that they have power to send for persons and papers, and receive the per diem and mileage of members of the Legislature, for their services; and that they report to the next session of the Legislature.

Mr. McClarty moved to lay the resolution on the table.

Mr. Howard offered to amend Mr. Bourland's resolution, as follows:

"That the Governor shall have power to appoint three competent persons."

Mr. Tankersly moved to amend the resolution by striking out "mileage and per diem pay."

Mr. Howard offered the following as a substitute for the resolution and amendments:

Resolved by the Legislature of the State of Texas; That it shall be the duty of the Governor, to appoint three Competent persons, to examine into and report to the next session of the

Legislature, the condition of the General Land Office, and that the officers so appointed, shall have the power to send for persons and papers.

Be it further resolved; That the persons so appointed, shall receive, each, three dollars per day, while actually engaged in the examination."

Read a first time, and on motion of Mr. Miller, rule was suspended, resolution read a second time; and

Mr. Bourland moved its engrossment, upon which the yeas and nays were called, and stood:

Yeas—Messrs. Speaker, Adams, Barry, Bourland, Brown, Burroughs, Cazneau, Charlton, Clark, Cronican, Durham, Edwards of Nacogdoches, Eddy, Erath, Gray, Gillett, Gilliam, Howard, Hudson, Jones, Keenan, Mabry, McClarty, McFarland, McNeill, Millican, Muckleroy, Mullins, Ogden, Pattillo, Pease, Perry, Redgate, Russell, Ryburn, Savage, Stewart, Smith of Harris, Tankersly, Truit, White, and Willie—42.

Nays—Messrs. Echols, Edwards of San Augustine, Irion, Miller, Smith of Rusk, Swift, and Sublett—7.

On motion of Mr. Bourland, rule further suspended, bill read a third time and passed.

A message was received from the Senate, informing the House, that they had adopted the first amendment of the committee of conference, on the General Appropriation bill, and

Had rejected the other amendments, and had appointed a second committee of conference, and requested a like committee on the part of the House.

On motion of Mr. Erath, the chair appointing Messrs. Erath, Rayner, McNeill, Redgate, and Cazneau, said committee.

Mr. Echols moved, that the House adjourn, until three o'clock, Rejected; and

Mr. Durham moved the House adjourn until half-past two, Rejected.

On motion of Mr. Russell, the House adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Roll called, and a quorum not being present,

Mr. Russell moved a call of the House, and the Sergeant at Arms was despatched for absentees.

Quorum present, and the call suspended.

On motion of Mr. Brown, the bill entitled, "An act, appropriating, an office for the Clerk of the Supreme Court," was taken up, and read a second time, and

On motion of Mr. Brown, the rule was suspended, bill read a third time, and

On motion of Mr. Brown, laid upon the table, for the present.

A message was received from the Senate, informing the House, that they had passed a bill, to be entitled, "An act, defining the office and duties of Notaries Public," with amendments.

On motion of Mr. Stewart, "the bill" was taken up, and amendments concurred in.

Mr. Erath, from the committee of conference on the bill, making appropriations for the support of the Government, made the following report:

(This report was not copied into the Journals, and the original being lost or misplaced, a copy cannot be furnished for publication.)

On motion of Mr. Clark, a committee was appointed to wait upon the Senate and invite them within the bar of the House of Representatives, for the purpose of going into an election for Commissioner of the General Land Office.

The Chair appointed Messrs. Clark, Stewart, and White, said committee.

The committee returned, and reported performance of duty.

On motion of Mr. Brown, the bill, to be entitled, "An act, appropriating an office to the Clerk, of the Supreme Court," was taken up, and passed.

On motion of Mr. Edwards of San Augustine, the House took a recess of ten minutes.

The recess having expired, the House was called to order.

The roll called.

Quorum present.

The following message was received from the Senate through their Secretary Mr. Bee, viz:

That the Senate had adopted the first amendment of the committee of conference, on the appropriation bill, and refused to concur in the second and third, and have appointed a committee of conference, and request the same action on the part of the House.

On motion of Mr. Edwards of Nacogdoches, the vote was reconsidered, on adopting the report of the committee of Conference.

On motion of Mr. Gray, the House concurred in the first amendment.

A message was received from the Senate, informing the House, that in consequence of a quorum having been broken in the Senate, they are unable to meet the House, for the purpose of going into an election for Commissioner of the General Land Office.

Mr. Durham moved that the House stand adjourned, *sine die*.

Mr. Howard called for the previous question—which was the concurrence of the House to the first amendment of the committee of Conference.

Which was carried in the affirmative, and the House concurred in the adoption of the first amendment of the committee of Conference.

On motion of Mr. Brown, the House receded from their disagreement on the bill, making appropriations for the support of the Government.

On motion of Mr. Burroughs, the House took a recess of thirty minutes.

House met pursuant to adjournment. Roll called, quorum present.

On motion of Mr. Brown, the following valadictory address of the Speaker of the House, was ordered to be spread on the Journals.

Gentlemen of the House of Representatives:

Permit me to congratulate you on the near approach of the time, when you will be permitted to return to your homes and your families, and to enjoy all that felicity, peculiar to the quietude of domestic life.

The storms of Legislation are about to cease—a few more days, will close the first Legislature of the State of Texas, the deliberations of which have been conducted with that unanimity and goodness of feeling, which will, I trust, ever characterize the deliberate assemblies of this State.

Gentlemen, whatever unpleasantness of feeling may have taken place, since we have convened, growing out of the contrariety of opinion, incidental to a body composed of sixty-six members, will, I hope, be buried with the close of this session, and instead of brooding over imaginary wrongs, let us return to our homes with renewed confidence in the good intentions of those with whom we have been associated. Noth-

ing characterizes the man of sense or shows him to better advantage, than a forgiving spirit.

Gentlemen, the courtesy you have shown, has kindled a spark of gratitude in my bosom that glows with a fervor only equalled by the generosity displayed by you, in conferring such a high and unmerited honor upon me, as that of presiding over the deliberations of this House.

In discharging the duties of the Chair, my only desire has been to do it without fear, favor, or affection. Hence whatever prejudices, if any, may have been entertained against me, were the offsprings of party conclusions, rather than a settled conviction that I have wronged any intentionally. No unkind feelings, rankle in my bosom, against a single individual of this body; but on the contrary, feelings of gratitude, prompt my every action. Had I been armed with the malignity of a demon, the courtesy extended to me, would have disarmed me.

Gentlemen, the subject that arose a few days since in relation to the Lieutenant Governor, on which we were so unfortunate as to differ, was one of great importance to this community, and one in which I felt a deep and lively interest. No individual, of this body, wished more ardently than I, that the voice of the people might be heard and respected and so soon as I discovered that a majority of this body, entertained opinions different from mine, on the Constitutionality of recounting the votes, I conceived it a duty due you, to bow in humble submission to your opinions, and that I might not, in obedience to your will, do violence to my own conscience, I resigned the Chair, that another might be elected, whose conscientious scruples did not prevent him from acting with the majority, on this question.

The will of the people, with me, is paramount to all personal considerations, and when that will is legitimately obtained, no person would go farther to sustain and defend it than I. In this instance, however, we honestly differed in our opinions in regard to the fundamental law of the land; you conceived that you had the right to recount—I, though ardently desiring it—conceived we did not. It was to me a source of unbounded pleasure, that no voice was raised on this occasion to impugn my motives, while the House, at the suggestion of my friend from Washington, who since we met in this Hall, has ever extended the hand of friendship to me, paid me a compliment that will never be erased from my bosom. My old friend from Nacogdoches from whose experience I have so often profited, told me with his accustomed frankness, that the duties of the Chair

had been faithfully discharged, without partiality, while my friend from Bastrop, from the goodness of his heart, would have filled my cup to overflowing. But why designate! On which side soever I turn I behold the eyes of my fellow laborers, radiated with friendship.

Gentlemen, the great characteristic of this Legislature, has been promptness of action, which infused into it at an early period, a desire to accomplish the greatest possible good in the shortest time; this desire animated the various committees to action, and this House, in unison with this action, in the shortest time, has accomplished the greatest possible good. Although business has progressed rapidly, the scrutinizing eye of the Legislature has not slumbered over the rights of the people; but those checks and balances are so ingeniously poised that I cannot but flatter myself, that your labours will be hailed by your constituents with pleasure.

Gentlemen, the great number of bills that have passed this Legislature, and the short time in which they have passed them, displays a talent for business, that would do honor to the oldest State of this confederacy, and will amply remunerate your constituents for the confidence reposed in you, and impress upon your sister States, that respect due industry and talent.—That demon, party, which sickens legislation has been kept aloof from your deliberations, while every act has deeply impressed upon your labors, the public good.

Gentlemen, in a few more days, you will separate, to scatter yourselves over this vast country, again to commingle with those who honored you with seats in this Hall. On Monday next, will end your political labors, and perhaps, 'ere two more years roll round, many of us will pass into eternity. Let not these considerations blunt your ardor for the prosperity and happiness of our State. Remember that it was industry and perseverance that gave Texas existence as a State, and bade every breeze bear on its bosom the glad tidings, that another Star had arisen in the West which forms a new asylum for the oppressed, that are bowed down by the insolence of tyranny and oppression.

Gentlemen, we are about to separate. The social hours spent with you, the harmony of your labors, together with the respect and deference shown me by you, whilst presiding over your deliberations, fills my heart, with conflicting emotions of respect and gratitude. Permit me, gentlemen, to bid you farewell.

Mr. Erath introduced the following resolution:

Resolved, That the chief clerk be, and he is hereby authorized to approve the account of the Porter, for one dollar per day, to be paid out of the contingent funds of the Legislature."

Which was read and adopted.

Mr. Clark presented the following protest which was read and ordered to be spread on the Journals of the House.

CITY OF AUSTIN, {
May 8, 1846. }

To the Honorable Speaker,

of the House of Representatives:

The undersigned, having differed with the majority of the House, in their action upon the Senates "resolution to count and compare the votes, cast at the late election for Lieutenant Governor, which were duly returned, prior to the seventeenth day of February, eighteen hundred and forty-six—some of which, by error or mistake, were overlooked or mislaid, in the State Department and declare the true result of said election in accordance with the expressed will of the people of the State and in conformity with the constitution of the same."

Agreeably to notice given, and in duty to themselves and their constituents ask, that this, their protest in the premises, may be spread upon the journals of the House. Their object is to state and explain their opposition, and in doing this, they will endeavor to abstain from anything, which might appear to impugn the intentions of those who differed with them; for they are satisfied that they were influenced by motives as pure and conscientious as themselves. They will here remark, also, that their objections grew out of no private prejudices whatever, but were based entirely upon what they consider to be the true meaning and spirit of the constitution; and they rely on the following reasons and suggestions to sustain their position.

The third section of the fifth article of the constitution, prescribes the manner in which returns of elections for Governor shall be made. That they shall be sealed up, transmitted to the seat of Government, directed to the Speaker of the House of Representatives, and by him, during the *first week* of the session of the Legislature, shall be opened and counted in the presence of the Senate and House, and the result declared.—

This part of the constitution is plain and cannot, we think, well be misunderstood. It speaks what it means, and means what it expresses. No one has, or will, we presume, contend, that the Legislature would be authorized to defer the performance of this duty, beyond the time limited. It is a positive require-

ment, and is, in our opinion, as binding upon the Legislature as any other requisition contained in the constitution. The second section, of the same article of the constitution, the first place where any mention is found of the office of Lieutenant Governor, 'tis true, differs from the third section, in this: It prescribes no specific time within which the returns of the votes for Lieutenant Governor shall be examined and counted and the result made known. The same qualifications, however, are required for both officers; the two officers are to be elected at the same time, in the same manner, by the same persons, and are to hold their offices for the same period, and we apprehend that it would not be accounted a very strained construction to say that the term of service being made the same, it was expected and intended that the two officers should be installed at one and the same time. This conclusion, it seems to us, naturally results from the two sections of the constitution alluded to, and is certainly strengthened by the seventh section of the thirteenth article or schedule, by reference to which, it will be seen, that the returns of elections for Governor and Lieutenant Governor, will always be made upon the same sheet of paper and directed to the Speaker, endorsed election returns for Governor, alone. Thus the returns, in both cases, are brought under the eye and inspection of the person authorized and required to open and examine them at the same time. And surely it could never have been intended that the two Houses of the Legislature could or should meet in joint session at different times to perform a duty or duties which can be so easily and conveniently accomplished at one meeting or should declare the result of an election for Governor to-day, and to-morrow or six weeks or ten months afterwards, proclaim who had been elected Lieutenant Governor. We have heard it contended, that the schedule relates alone to the past election. That there is no connection between it and the fifth article—but should this construction prevail, it might probably render it difficult to ascertain hereafter the result of an election for Lieutenant Governor. For in no place, except the seventh section of the schedule is there any method prescribed, whereby the result of said election can be obtained. But should it still appear to some, that we were not obliged, within the first week of the session to declare who had been elected Lieutenant Governor, we would cite them to the eighth section of the same department of the constitution. Here we find this direction: "That after the Legislature shall have organized the Speaker of the House, shall, in the presence of both Houses of the Leg-

islature, open the returns of the election for Governor and Lieutenant Governor, count the votes, and declare the names of the persons elected to those offices, who shall *forthwith* be installed into their respective offices." Here again there is nothing said as to the time when this duty should be attended to; but by the rule laid down in the third section of the Executive branch of the constitution, we were forced to act in relation to the office of Governor, during the first week of the session; and that it was intended that the first Lieutenant Governor of the State, *at least*, should be made known and inducted into office at the same time, is to us, *very or sufficiently* evident, from the term, "who shall *forthwith* be installed into their respective offices," contained in the eighth section of the schedule.

We may be in error, yet, as the constitution, and interpretation which we give the different parts of the constitution referred to, seems, in our opinion, to be the only fair and legitimate one of which they will admit, we flatter ourselves that we are not. We are still upon the ground which we have ever occupied in this matter and whether right or wrong, it is the one, which until within a very short time back, was held by a majority of this House. In obedience to what was then regarded as the meaning of the constitution, the two Houses, on the seventeenth day of February, convened in this Hall, and proceeded to open and examine all the votes returned for Governor and Lieutenant Governor. The result of which was the Speaker, as required, declared J. Pinckney Henderson and N. H. Darnell, duly and constitutionally elected Governor and Lieutenant Governor, for the ensuing two years. Thus, we decided General Darnell to be fully entitled the second office in the State, and took such steps as were necessary to place him in office, upon his arrival in this place. After having signified his acceptance of the office, and designated a time when he would appear and be qualified, for reasons not then explained he declined the honor, and subsequently sent into this House, and the Senate, also, a formal resignation of the office.

The powers of the Legislature are laid down and defined by the constitution. That instrument gives this House, or the Legislature nothing more to do with the office of Lieutenant Governor, than to ascertain, from returns made, in conformity to its directions, who may have been elected to the office, and place the person so appearing to have been chosen, in office. It is otherwise in regard to the office of Governor. It confers upon the two Houses the authority to elect a Governor, in the

event that no election be made by the people, and also to determine contested elections for the office. It also, empowers the Senate, to elect from their own body a presiding officer, when the office of Lieutenant Governor is vacant, but no where does it authorize either, or both branches of the Legislature to make a Lieutenant Governor. In our opinions, then, all control given to the House of Representatives over this office ceased on the seventeenth of February, past. If General Darnell, in obedience to the action of the two Houses, had presented himself for installation, could the Legislature have refused him the office. We had declared the office his for the time prescribed, and if he had entended upon the performance of its duties, could he have been displaced in the way adopted, to fill a vacancy, resulting from his act. Would not the only remedy have been by contest; and in that event, who would or could have decided! What tribunal is there authorized to act. The House of Representatives could not have interfered, for we, on the seventeenth of February exerted and concluded all interference in the office delegated to us by the constitution. We regard the question, under the last action of the Legislature, as still unsettled and subject to change. The returns from some of the Counties last examined were informal, inasmuch as they did not show, in some instances, the number of votes cast for each candidate; but merely stated the majority for one or the other; in others where both received a support, the vote of one only was given, and from some of the counties no returns at all had been received. We do not say that the present incumbent did not receive a majority of all the votes cast in the late election, we suppose he did; but this opinion is founded, in part, at last, upon rumor, a medium through which we, the Legislature cannot know the result of the election. Let us not be understood as meaning, that the information gathered from a *report* had any influence with the Legislature in its last action upon this matter, but that we consider the evidence obtained through the *prescribed channel*, as *somewhat* doubtful and uncertain. Hence, should the defaulting counties yet send in their returns, and it should appear that General Darnell had received a majority of the votes given, under the late decision the present occupant could be turned out, and thus it might happen, that during the same term, we would have two or more different individuals occupying the office of Lieutenant Governor. As to that part of the resolution which grounds the conduct of the House, upon "the expressed will of the people," and also the same feature in the report of the committee, we

have only to say, that however correct this doctrine may be, (and none more fully acquiesce in it than we do,) when the constitution prescribes the mode by which the "*expressed will of the people*," shall be ascertained, and that mode has been approved and sanctioned by the *people* themselves, we, as their agents, have not the right or power to transcend or set it aside. None are or can ever be more willing and ready, to give scope to the popular voice, than the undersigned; but in doing so, they suppose they must have some regard to the rules and restrictions with which the people themselves have surrounded the matter. If laws and regulations, in matters of elections are useless or may be disregarded or set aside at pleasure, why, enact them, why prescribe the manner in which elections shall be conducted, returns made, and results declared, if it is not to be observed by those required to give effect to the public will. Such are the grounds of our opposition. We may have erred, but if so, the error results from a misconstruction of the constitution, and not from a disregard of the popular will, or a disposition to defeat it. Towards the individual holding the station, we have not, nor have we ever had, any unkind feelings we had full confidence in his ability and honesty, and protest alone against the *manner* in which he has been placed in office. We repeat our conviction, of the good and pure motives of the majority; and if the people approve their course, none will or can be better pleased and satisfied than the undersigned.

All of which is respectfully submitted.

[Signed]

{ E. CLARK,
C. J. KEENAN,
L. A. MILLER,
AUG. WILLIAMS,
N. B. CHARLTON,
G. A. PATILLO,
GEO. WM. ADAMS,
WM. J. SADLER,
WM. C. EDWARDS,
E. N. MILLICAN,
LEWIS D. BARRY,
P. W. GRAY,
W. S. ECHOLS,
DAVID C. DICKSON,
WILLIS K. COOKE.

On motion, Mr. Ogden introduced the resolution, to go forth.

with into the election of a Commissioner of the General Land Office, which was read and adopted, by the following vote :

Yeas—Messrs. Speaker, Adams, Brown, Clark, Cooke, Dickson, Echols, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gillet, Howard, Irion, Keenan, McClarty, McNeill, Miller, Millican, Muckleroy, Mullins, Noble, Ogden, Pattillo, Pease, Perry, Rayner, Redgate, Russell, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Tankersly, Truit, Williams, and Willie—40.

Nays—Messrs. Barry, Burroughs, Charlton, Dupree, Gilliam, and McFarland—6.

Mr. Mabry was excused from voting.

Mr. Mabry moved a call of the House.

On motion of Mr. Irion, the call was suspended.

Mr. Erath introduced a resolution to adjourn, *sine die*, (with the concurrence of the Senate,) on the thirteenth of May, at eleven o'clock, A. M.

Read a first time.

Mr. McClarty moved to strike out "eleven" and insert "nine o'clock," which was adopted.

A message was received from the Senate, informing the House, that they had passed a "Joint Resolution, authorizing the Comptroller of Public Accounts, to settle certain claims."

Mr. Howard moved that the House adjourn until to-morrow, eight o'clock, A. M. Rejected.

Mr. Perry moved the House adjourn until eight o'clock, P. M. Rejected.

Mr. Dupree moved the House adjourn until nine o'clock, to-morrow. Rejected.

On motion of Mr. Gilliam, the House adjourned until half-past seven o'clock, P. M.

HALF-PAST SEVEN O'CLOCK, P. M.

House met, pursuant to adjournment.

Roll called—quorum present.

Mr. Brown moved to take up the resolution from the Senate, "authorizing the Comptroller to settle certain accounts."

Upon which the yeas and nays were called, and stood :

Yeas—Messrs. Adams, Brown, Burroughs, Cazneau, Clark,

Cronican, Dickson, Dupree, Edwards of Nacogdoches, Edwards of San Augustine, Eddy, Erath, Gray, Gillet, Howard, Irion, Jones, Keenan, Mabry, McClarty, Muckleroy, Pattillo, Pease, Perry, Rayner, Russell, Savage, Swift, Tankersly, and Williams—30.

Nays—Messrs. Barry, Echols, Gilliam, McFarland, McNeill, Miller, Millican, Mullins, Noble, Redgate, Ryburn, Sadler, Smith of Harris, Smith of Rusk, Sublett, and Truit—16.

So the resolution was taken up, and resolution read a first time.

On motion of Mr. Gray, the rule was suspended—resolution read a second time.

On motion of Mr. Noble, the resolution was amended as follows:

After the word "State," insert the words, "for their final ratification."

Mr. Pease moved a further suspension of the rule.

Mr. Miller offered to amend the resolution as follows:

"And all the persons having unsettled accounts with the late Republic of Texas."

On motion of Mr. Irion, the amendment just offered was rejected.

Question, recurring on suspending the rule, was put and decided in the affirmative.

Resolution was read a third time and passed.

A bill, to be entitled, "An act, to authorize the Governor to appoint a committee to examine into and receive all Books, Papers, and Vouchers, in and about the Custom house, of the Port of Galveston."

On its second reading, Mr. McFarland moved to lay the bill on the table. Rejected.

Question, on the engrossment of the bill, was taken and decided in the affirmative.

On motion of Mr. Irion, the rule was suspended, and the bill was read a third time and passed.

On motion of Mr. Ryburn, the House adjourned until to-morrow, half-past eight o'clock.

HOUSE OF REPRESENTATIVES, {
May 13th, 1846. }

The House met, pursuant to adjournment.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Adams, Barry, Brown, Burroughs, Cazneau, Charlton, Clark, Cronican, Dickson, Dupree, Durham, Echols, Edwards of San Augustine, Eddy, Erath, Gray, Gillet, Gilliam, Gooch, Howard, Hudson, Irion, Jones, Keenan, Mabry, McFarland, Miller, Millican, Muckleroy, Mullins, Noble, Pattillo, Pease, Perry, Rayner, Russell, Sadler, Savage, Stewart, Smith of Harris, Smith of Rusk, Swift, Sublett, Tankersly, Truit, White, Williams, and Willie.

Quorum present.

The House proceeded to business.

Mr. Irion made the following report, which was read and adopted:

MAY 13th, 1846.

To the Honorable S. W. Perkins,

Speaker of the House of Representatives:

The committee on the Land Office, beg leave to report back to the House sundry bills, and ask to be discharged from a further consideration of the same.

[Signed]

VAN R. IRION,
Chairman.

Mr. Irion made the following report, which was read and adopted:

MAY 13th, 1846.

To the Honorable S. W. Perkins,

Speaker of the House of Representatives:

The committee on County Boundaries, beg leave to report back to the House, sundry bills and petitions, and ask to be discharged from a farther consideration of the same.

[Signed]

VAN R. IRION,
Chairman.

Mr. Dupree introduced the following resolution:

Resolved; That the thanks of the House, are tendered to the Honorable S. W. Perkins, for the able and satisfactory manner in which he has presided over its deliberations.

Read, and unanimously adopted.

Mr. Gray introduced the following resolution, which was read, and unanimously adopted:

Resolved by the House of Representatives of the State of Texas; That they recommend to the favorable consideration of the Government of the United States, those officers of the late Texas Navy, who so gallantly defended the interests and flag of the Republic, on the Gulf of Mexico, in the year eighteen hundred and forty-three, and request that they may be retained and provided for, in the naval service thereof.

Mr. Miller introduced a resolution to adjourn on to-day, *sine die*, at eleven o'clock, A. M., which was read and adopted.

Mr. Stewart introduced a resolution to appoint a committee to wait on his Excellency, the Governor, and inform him that the House is ready to adjourn.

Mr. Willie offered a substitute for the resolution.

Resolved; That a Joint committee be appointed to wait on his Excellency, the Governor, and inform him, that the two Houses of the Legislature, are ready to adjourn, *sine die*.

Which was read and adopted

Mr. Stewart introduced a Joint Resolution, making appropriations for the contingent expenses of the two Houses of the Legislature.

Read a first time.

Mr. Mabry moved a call of the House, which was rejected.

On motion of Mr. McClarty, a call of the House was made.

A message was received from the Senate; informing the House, that they had passed a Joint Resolution, for the safe keeping of the Papers and Journals of the Legislature.

The call of the House having been suspended,

The resolution from the Senate, just reported; was taken up and read; and

On motion of Mr. Cazneau, the rule was suspended, and resolution read a second time.

On motion of Mr. Eddy, the "first section" was stricken out, and the words "Chief Clerk of the House of Representatives," inserted.

Mr. Pease offered the following; as an additional section:

Resolved; That after the publication of the Journals of the two Houses, the Chief Clerk is hereby instructed to hand over to the Secretary of State, the Journals and all papers and effects of the two Houses.

Which was adopted; and

On motion of Mr. Eddy, the rule was suspended, and resolution read a second and third time, and passed.

A call of the House was made. Quorum present; and

On motion of Mr. Irion, the call was suspended.

On motion of Mr. Cazneau, the bill, making appropriations for the contingent expenses of both Houses, was taken up, and read a second time and ordered to be engrossed.

The following message was received from the Senate, to wit:

That the Senate had concurred in the resolution to adjourn, *sine die*, on to-day, at eleven o'clock, and had appointed Messrs. Wallace, Williams, and Bourland, a Joint committee to wait on the Governor, and inform him of the same. Also,

Had passed a resolution, requiring the Treasurer to retain a sufficient amount of money to pay the officers of the two Houses of the Legislature.

Question, on the suspension of the rule, was taken up, and lost by the following vote:

Yeas—Messrs. Speaker, Adams, Cazneau, Cronican, Dupree, Gillet, Gooch, Howard, Hudson, Irion, Keenan, McClarty, McNeill, Russell, Sadler, Stewart, Smith of Harris, and Willie—18.

Nays—Messrs. Brown, Charlton, Clark, Cooke, Dickson, Durham, Echols, Edwards of Nacogdoches, Eddy, Gray, Jones, Mabry, McFarland, Miller, Millican, Muckleroy, Noble, Pease, Perry, Rayner, Ryburn, Savage, Smith of Rusk, Tankersly, Truit, and Williams—26.

Mr. Irion moved to take up a resolution, requiring the Treasurer to retain a sufficient amount of money in the Treasury, to pay the Clerks and officers of the present Legislature.

Adopted.

Bill read a second time.

Mr. Dupree moved a call of the House, which was rejected; and

On motion of Mr. Irion, the rule was farther suspended, bill read a third time and passed.

Mr. Durham introduced a resolution, giving the Printer ninety days to complete the publication of the Laws and Journals of the present Legislature.

Read a first time.

Mr. Ogden introduced the following resolution, which was read and adopted:

Be it resolved; That a committee of three be appointed, to inquire what disposition has been made of the twenty one thousand dollars, reported to have been in the Treasury some fifteen days since, and report the same to the consideration of the House.

The Chair appointed Messrs. McNeill, Eddy, and Gooch said committee.

Mr. Muckleroy introduced a resolution, giving one dollar

per day to the Sergeant-at-Arms, for extra services. Read a first time.

Mr. Burroughs, chairman of the committee on Enrolled Bills, made the following report, which was read and adopted:

To the Honorable S. W. Perkins,

Speaker of the House of Representatives:

The committee on Enrolled Bills.

A bill, to be entitled, "An act, to prevent confusion in judicial proceedings, arising from the repeal of laws, under which they were had or occurred."

A bill, to be entitled, "An act, to define the duties of District Attorneys."

A bill, to be entitled, "An act, for the relief of the heirs of Milton Hicks."

A bill, to be entitled, "An act, regulating limited partnerships."

A bill, to be entitled, "An act, to fix the pay and mileage of members of the Legislature."

A bill, to be entitled, "An act, giving concurrent jurisdiction to the District and inferior Courts, in certain cases."

A bill, to be entitled, "An act, organizing County Courts."

A bill, to be entitled, "An act, providing for the transfer of records of administration to new counties."

A bill, to be entitled, "An act, regulating Notaries Public."

A bill, to be entitled, "An act, defining the duties of Sheriffs."

"An act, defining the duties of Constables."

"An act, securing to volunteers the right of electing their own officers."

"An act, making appropriations for the support of the Government, for the years eight hundred and forty-six and eight hundred and forty-seven."

"An act, defining the duties of Clerks."

"An act, defining the duties of Clerks of the Court."

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committee, to make certain enquiries into the Treasury Office.

The committee appointed to wait on his Excellency, the Governor, and inform him that the two Houses were ready to adjourn, *sine die*, reported this duty performed.

Question, recurring on the reconsideration of the vote, on the adoption of the resolution, requiring a committee to examine into the Treasury Department, upon which the yeas and nays were called, and stood :

Yeas—Messrs. Adams, Barry, Burroughs, Cazneau, Clark, Cronican, Dupree, Eddy, Erath, Irion, McClarty, Noble, Pease, Rayner, Sadler, Smith of Harris, and Willie—17.

Nays—Messrs. Brown, Charlton, Cooke, Durham, Echols, Edwards of San Augustine, Gray, Gillet, Gooch, Howard, Hudson, Jones, Mabry, McFarland, Millican, Mucklerdy, Ogden, Patillo, Perry, Redgate, Russell, Ryburn, Savage, Stewart, Smith of Rusk, Sublett, and Tankersly—27.

And the motion to reconsider, was rejected.

A message was received from the Senate, informing the House, that they refuse to concur in the amendments to a resolution, disposing of the Journals and papers of the Legislature.

A committee from the Senate appeared, and informed the House that, that body were ready to stand adjourned, *sine die*.

The resolution, to pay the Sergeant-at-Arms one dollar per day for extra services, was taken up, read and adopted.

Mr. Howard asked leave to present a protest, relative to a bill for the adjustment of the Public Debt.

Mr. McFarland moved to adjourn, *sine die*.

Motion withdrawn.

Mr. Durham moved that the protest be laid on the table.

Mr. Tankersly moved the rejection of the protest.

On motion of Mr. Tankersly, the Journals were then read and adopted; and

The House adjourned, *sine die*.